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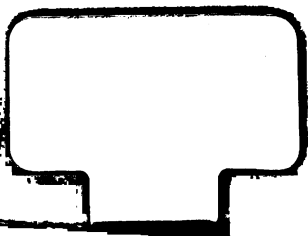
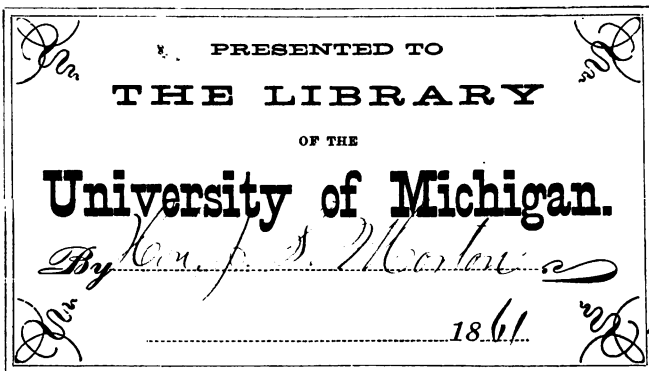
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# HOUSE JOURNAL

OF THE

## LEGISLATIVE ASSEMBLY.

OF THE

## TERRITORY OF NEBRASKA,

SEVENTH SESSION.

BEGUN AND HELD AT OMAHA CITY,

DECEMBER 3, A. D. 1860.

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**HOUSE JOURNAL**  
**OF THE**  
**LEGISLATIVE ASSEMBLY**  
**OF THE**  
**TERRITORY OF NEBRASKA.**

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**HOUSE OF REPRESENTATIVES,**  
**Monday, December 3, 1860. }**

In pursuance of law, the Legislative Assembly of the Territory of Nebraska met in Seventh Regular Session at the Capitol, on Monday, December 3d, A. D. 1860.

The House met at 2 o'clock P. M.

On motion of Mr. Davis of Cass,

Joel T. Griffin of Douglas, was appointed Speaker pro tem.

On motion of Mr. Gilmour of Cass,

George L. Seybolt of Cass, was appointed Chief Clerk pro tem.

On motion of Mr. Cavins of Otoe,

Stephen D. Bangs of Sarpy, was appointed Assistant Clerk pro tem.

On motion of Mr. Cavins of Otoe,

The persons claiming seats, were required to present their credentials to the Clerk, and the Clerk required to make a roll of the persons thus appearing to be elected.

Whereupon the following named persons presented credentials:

A. M. Acton, John P. Baker, E. W. Barnum, James Barrett, George Beane, Adin G. Cavins, Amos S. Chase, Merrills H. Clark, Wm. Cleburne, Thomas Coleman, M. S. Cotterell, Chas. H. Cowles, James Davidson, Wm. R. Davis, Henry W. DePuy, Hiram P. Downs, Thomas R. Fisher, E. W. Fowler, Amos Gates, William Gilmour, Henry Grebe, Joel T. Griffin, Jonas Hacker, Frederick Hedde, J. R. Hyde, Joseph E. Johnson, Wm. F. Lockwood, Samuel A. Lowe, Alfred Mathias, Giles Mead, Ezra T. Millard, Loudon Mullen, Hiram W. Parker, H. B. Por-

Monday, December 3d, 1860.

ter, John J. Reddick, Wm. Reed, Samuel P. Sibley, Jacob Sollenberger, F. A. Tisdell and Charles H. Whaley.

On motion of Mr. Cleburne of Sarpy,

The House proceeded to the election of a Sergeant-at-Arms and Doorkeeper, during the temporary organization.

Francis M. Virden of Dakota, was elected Sergeant-at-Arms.

Wm. A. Pollock of Nemaha, was elected Doorkeeper.

Mr. Davidson of Sarpy, moved that the rules of the last session be adopted for the government of the House during its temporary organization.

Carried.

Mr. Davis of Cass, moved that the House proceed to the election of a Committee of Five on Credentials.

Mr. Reddick of Douglas, moved to amend by adding, "voting by ballot."

Carried.

Mr. Acton of Richardson, moved that the Speaker appoint two tellers.

Carried.

Messrs. Acton and Fisher were appointed said committee.

Nominations being in order,

The following gentlemen were nominated:

Messrs. Baker, Porter, Tisdell, Cavins, Davidson, Clark, Downs and Chase.

The House proceeded to ballot with the following result :

Mr. Downs received 35 votes.

Mr. Chase received 33 votes.

Mr. Lockwood received 29 votes,

Mr. Baker received 18 votes.

Mr. Clark received 15 votes.

Mr. Whaley received 15 votes.

Mr. Davidson received 8 votes.

Mr. Davis received 5 votes.

Mr. Tisdell received 3 votes.

Mr. Porter received 2 votes.

Mr. Reddick received 2 votes.

Mr. Cotterell received 1 vote.

Messrs. Downs, Chase, Lockwood, and Baker, having received a majority of all the votes cast, were declared duly elected.

On motion of Mr. Reddick of Douglas,

The House proceeded to elect another member of the Committee on Credentials.

Messrs. Clark and Davis were nominated.

Mr. Clark received 26 votes.  
Mr. Davis received 5 votes.  
Mr. Fisher received 1 vote.  
Mr. Lowe received 1 vote.  
Mr. Whaley received 1 vote.

Mr. Clark, having received a majority of all the votes cast, was declared duly elected.

On motion of Mr. Davis of Cass,

The Committee on Credentials were instructed to retire and examine the credentials of members and report the same as soon as practicable.

Messrs. Thayer, Tipton and Strickland, a committee from the Council appeared and reported that the Council had permanently organized by the election of the following officers:

Hon. Wm. H. Taylor of Otoe, President.  
E. P. Brewster of Douglas, Chief Clerk.  
D. H. Wheeler of Cass, Assistant Clerk.  
S. R. Jameson of Richardson, Engrossing and Enrolling Clerk.  
Wm. H. James of Dakota, Sergeant-at-Arms.  
Dean Slader of Washington, Doorkeeper.

Mr. Lockwood, chairman of the Committee on Credentials, reported the following gentlemen as members elect of the House for this session, viz:

From the County of Richardson—F. A. Tisdell, A. M. Acton and H. B. Porter.

From the County of Nemaha—Thomas R. Fisher, Jonas Hacker, John P. Baker, and George Beane.

For the County of Pawnee—E. W. Fowler.

For the District composed of Johnson, Clay and Gage Counties—Hiram W. Parker.

For the County of Otoe—Samuel P. Sibley, Alfred Mathias, Adin G. Cavins, Charles H. Cowles, Jacob Sollenberger and Hiram P. Downs.

For the District composed of Cass and Lancaster Counties—William Reed, E. W. Barnum, William R. Davis, Loudon Mullen, and William Gilmour.

For the County of Sarpy—James Davidson, Amos Gates, and William Cleburne.

For the County of Douglas—John I. Reddick, Samuel A. Lowe, Joel T. Griffin, Merrills H. Clark, Henry Grebe, and Ezra T. Millard.

For the County of Washington—Giles Mead, and Henry W. DePuy.

For the County of Dodge—M. S. Cotterell.

For the County of Burt—Judson R. Hyde.

For the County of Dakota—William F. Lockwood, and Thomas Coleman.

For the District composed of Dixon, Cedar, and L'eau-qui Court Counties—Amos S. Chase.

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For the District composed of Platte, Green, Calhoun, and Butler Counties—Charles H. Whaley.

For the District composed of Hall and Monroe Counties—Frederick Hedde.

For the District composed of Dakota, Cedar, Dixon, and L'eau-qui Court Counties—James Barrett.

On motion of Mr. Cowles of Otoe,

The report of the Committee on Credentials was adopted.

Mr. Clark of Douglas, submitted a minority report from the Committee on Credentials, referring back the credentials of Joseph E. Johnson of Buffalo county, without recommendation.

On motion of Mr. Cleburne of Sarpy,

Messrs. Cavins and Reddick were appointed a committee of two to wait upon the Secretary of the Territory and request him to administer the oath of office to the members elect.

Carried.

Whereupon Secretary Morton appeared in the Hall and administered the oath of office to the members elect.

On motion of Mr. Cavins of Otoe,

The House proceeded to the election of a Speaker.

Nominations being in order, Henry W. De Puy of Washington, and John I. Reddick of Douglas, were nominated.

Roll being called, the vote stood as follows:

For Mr. De Puy—Messrs. Baker, Barrett, Beane, Cavins, Chase, Coleman, Cotterell, Cowles, Davidson, Davis, Fisher, Fowler, Gilmour, Griffin, Hacker, Hedde, Lockwood, Matthias, Mead, Mullen, Parker, Reddick, Read, Sibley, Sollenberger, Tisdell, Whaley.—28.

For Mr. Reddick—Messrs. Acton, Clark, Cleburne, Downs, Gates, Grebe, Hyde, Lowe, Millard and Porter.—10.

For Wm. F. Lockwood.—Mr. De Puy.

Mr. De Puy, having received a majority of all the votes cast, was declared duly elected Speaker.

On motion,

Messrs. Cavins, Lockwood and Reddick were appointed a committee of three, to conduct the Speaker to the Chair.

On motion of Mr. Davis of Cass,

The House proceeded to the election of Chief Clerk.

George L. Seybolt of Cass, and George W. Rust of Douglas were put in nomination.

Roll being called, the vote stood as follows:

For Mr. Seybolt—Messrs. Baker, Barnum, Barrett, Beane, Cavins, Chase, Coleman, Cotterell, Cowles, Davidson, Davis, Fisher, Fowler, Gilmour, Griffin, Hacker, Hedde, Lockwood, Matthias, Mead, Mullen, Parker, Reed, Sibley, Sollenberger, Tisdell, Whaley and Mr. Speaker.—29.

For Mr. Rust—Messrs. Acton, Clark, Cleburne, Downs, Gates, Grebe, Hyde, Lowe, Willard, Porter and Reddick.

Mr. Seybolt having received a majority of all the votes cast was declared duly elected.

On motion of Mr. Matthias of Otoe,

The House proceeded to the election of an Assistant Clerk.

Stephen D. Bangs of Sarpy, and A. F. Harvey of Otoe were put in nomination.

Roll being called, the vote stood as follows:

For Mr. Bangs—Messrs. Baker, Barnum, Barrett, Beane, Cavins, Chase, Cleburne, Coleman, Cotterell, Cowles, Davidson, Davis, Fisher, Fowler, Gilmour, Griffin, Hacker, Hedde, Lockwood, Matthias, Mead, Mullen, Parker, Reed, Sibley, Sollenberger, Tisdell, Whaley and Mr. Speaker.—29.

For Mr. Harvey—Messrs. Acton, Clark, Downs, Gates, Grebe, Hyde, Lowe, Millard, Porter and Reddick.—10.

Mr. Bangs having received a majority of all the votes cast, was declared duly elected.

On motion of Mr. Lockwood of Dakota,

The House proceeded to the election of Sergeant-at-Arms.

Francis M. Virden, of Dakota, and Thomas L. Sutton, of Douglas, were nominated.

Roll being called, the vote stood as follows:

For Mr. Virden—Messrs. Baker, Barnum, Barrett, Beane, Cavins, Chase, Coleman, Cotterell, Cowles, Davidson, Davis, Fisher, Fowler, Gilmour, Griffin, Hacker, Hedde, Lockwood, Matthias, Mead, Mullen, Parker, Reed, Sibley, Sollenberger, Tisdell, Whaley, and Mr. Speaker.—28.

For Mr. Sutton—Messrs. Acton, Clark, Cleburne, Downs, Gates, Grebe, Hyde, Lowe, Millard, Porter, and Reddick.—11.

Mr. Virden having received a majority of all the votes cast, was declared duly elected.

On motion of Mr. Cowles of Otoe,

The House proceeded to the election of Doorkeeper.

Wm. A. Pollock of Nemaha, and John Bryant of Douglas, were nominated.

The roll being called, the vote stood as follows:

For Mr. Pollock—Messrs. Baker, Barnum, Barrett, Beane, Cavins, Chase, Coleman, Cotterell, Cowles, Davidson, Davis, Fisher, Fowler, Gilmour, Griffin, Hacker, Hedde, Lockwood, Matthias, Mead, Mullen, Parker, Reed, Sibley, Sollenberger, Tisdell, Whaley, and Mr. Speaker.—28.

For Mr. Bryant—Messrs. Acton, Clark, Cleburne, Downs, Gates, Grebe, Hyde, Lowe, Millard, Porter, and Reddick.—11.

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Mr. Polock having received a majority of all the votes cast, was declared duly elected.

On motion of Mr. Cavins of Otoe,

The House proceeded to the election of an Engrossing Clerk.

Frederick Renner of Otoe, and Wm. Searight of Douglas, were nominated.

The roll being called, the vote stood as follows:

For Mr. Renner—Messrs. Baker, Barnum, Barrett, Beane, Cavins, Chase, Coleman, Cotterell, Cowles, Davidson, Davis, Fisher, Fowler, Gilmour, Grebe, Griffin, Hacker, Hedde, Lockwood, Matthias, Mead, Mullen, Parker, Reed, Sibley, Sollenberger, Tisdell, Whaley, and Mr. Speaker.—29.

For Mr. Searight—Messrs. Acton, Clark, Cleburne, Downs, Gates, Hyde, Lowe, Millard, Porter, and Reddick.—10.

Mr. Renner having received a majority of all the votes cast, was declared duly elected.

On motion of Mr. Matthias of Otoe,

The House proceeded to the election of Chaplain.

Rev. Messrs. Gaylord and Kuhns of Douglas, were nominated.

The roll being called, the vote stood as follows:

For Rev. Mr. Gaylord—Messrs. Baker, Barnum, Barrett, Beane, Cavins, Chase, Cleburne, Cotterell, Cowles, Davidson, Davis, Fisher, Fowler, Gilmour, Griffin, Hacker, Hedde, Matthias, Mead, Millard, Mullen, Parker, Reed, Sibley, Sollenberger, Tisdell, Whaley, and Mr. Speaker.—28.

For Rev. Mr. Kuhns.—Messrs. Acton, Clark, Downs, Gates, Grebe, Hyde, Lowe, Porter and Reddick.—9.

Mr. Gaylord having received a majority of all the votes was declared duly elected.

The oath of office was administered by the Hon. J. Sterling Morton, Secretary of the Territory, to the officers elect.

On motion of Mr. Mathias of Otoe,

The Speaker was authorized to appoint a Page.

Mr. Gilmour of Cass, moved that a committee of two be appointed to wait upon the Rev. Mr. Gaylord and inform him of his election as Chaplain of the House.

Carried.

Messrs. Gilmour and Millard appointed such committee.

On motion,

The House adjourned until 10 o'clock to-morrow morning.

GEO. L. SEYBOLT, Chief Clerk.

HOUSE OF REPRESENTATIVES,  
Tuesday, Dec. 4th, 1860. }

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Journal read and approved.

On motion of Mr. Mathias of Otoe,

The members of the House proceeded to the drawing of seats, and the Clerk was instructed to prepare slips containing the name of each member.

Mr. Baker moved the seats be vacated.

Carried.

After which the Clerk drew seats for the members for the session.

Mr. Lockwood of Dakota, moved that a committee of three be appointed to inform the Council that the House had organized by the election of permanent officers, and is now ready for the transaction of business.

Carried.

Messrs. Lockwood, Baker and Hyde were appointed such committee.

Mr. Griffin of Douglas, moved that a committee of two be appointed to wait upon the Governor and inform him that the House was ready to receive any communication he might have to make.

Carried.

Messrs. Griffin and Downs were appointed such committee.

Mr. Mathias of Otoe, offered the following :

Resolved, That the Chief Clerk, be instructed to procure the printing of one hundred copies of the rules of the last House for the use of the members.

Mr. Mathias moved to suspend the rules for the purpose of taking up the resolution.

Carried.

Mr. Clark of Douglas, moved to amend by inserting " Secretary of the Territory " in place of " Chief Clerk."

Lost.

On motion,

The resolution was adopted.

Mr. Acton of Richardson, offered the following resolution which was adopted:

Resolved, That the following rules of the House of last session, and Jefferson's Manual, when not in conflict with said rules, be adopted for the government of the House during the present session.

## RULES OF THE HOUSE OF REPRESENTATIVES.

*Order of Business.*

1. Presentation of Petitions.
2. Resolutions, Notices and Motions.
3. Reports of Committees.
4. Messages and other Executive Communications.
5. Messages from the Council and amendments proposed by the Council to Bills of the House.
6. Bills and Resolutions from the Council on their first and second reading.
7. Engrossed Bills and Bills from the Council on their third reading.
8. Bills of the House and from the Council on the Speaker's table.
9. Special orders of the day.
10. General orders of the day.

*Of the duties of the Speaker.*

1. He shall take the chair every day precisely at the hour to which the House shall have adjourned on the preceding day; shall immediately call the members to order; and, on the appearance of a quorum, shall cause the Journals of the preceding day to be read.

2. He shall preserve order and decorum; may speak to points of order in preference to other members, rising from his seat for that purpose; and shall decide questions of order, subject to an appeal to the House by any two members, on which appeal no member shall speak more than once, unless by leave of the House.

3. He shall rise to put a question, but may state it sitting.

4. Questions shall be distinctly put in this form, to wit: "As many as are of opinion that (as the question may be) say Aye;" and after the affirmative voice is expressed, "As many as are of the contrary opinion, say No." If the Speaker doubts, or a division be called for, the House shall divide; those in the affirmative of the question shall first rise from their seats, and afterwards those in the negative.

5. When any motion or proposition is made, the question, "Will the House now consider it?" shall not be put, unless it is demanded by some member, or it is deemed necessary by the Speaker.

6. The Speaker shall examine and correct the Journal before it is read. He shall have a general direction of the hall. He shall have a right to name any member to perform the duties of the chair, but such substitution shall not extend beyond an adjournment.

7. All committees shall be appointed by the Speaker, unless otherwise specially directed by the House, in which case they shall be appointed by ballot; and if, upon such ballot, the number required shall not be elected by a majority of the votes given, the House shall proceed to a second ballot, in which a plurality of votes shall prevail; and in case a greater number than is required to compose or complete a committee shall have an equal number of votes, the House shall proceed to a further ballot or ballots.



8. In all other cases of ballot than for committees, a majority of the votes given shall be necessary to an election; and where there shall not be such a majority on the first ballot, the ballot shall be repeated until a majority be obtained. And in all ballotings, blanks shall be rejected and not taken into the count in the enumeration of votes, or reported by the tellers.

9. In all cases of an election by the House, the Speaker shall vote; in other cases he shall not vote, unless the House be equally divided, or unless his vote, if given to the minority, will make the division equal; and, in case of such equal division, the question shall be lost.

10. In all cases where other than a member of the House shall be eligible to an office by the election of the House, there shall be a previous nomination.

11. In all cases of election by the House of its officers, the vote shall be taken *viva voce*.

12. All acts, addresses and joint resolutions shall be signed by the Speaker; and all writs, warrants and subpoenas, issued by order of the House, shall be under his hand and seal, attested by the Clerk.

13. In case of any disturbance or disorderly conduct in the galleries or lobby, the Speaker (or Chairman of the Committee of the Whole House) shall have power to order the same to be cleared.

14. No person except members of the Council, their Secretary, Governor, Secretary, Judges of the Supreme Court, Marshal, Attorney-General of the Territory, and Chaplain of the Legislative Assembly, and such other persons as the House may deem it proper to admit, shall be admitted within the Hall of the House of Representatives.

#### *Order of Business of the day.*

15. As soon as the Journal is read, the Speaker shall call for petitions from the members of each county, and if, on any day, the whole of the counties shall not be called, the Speaker shall begin on the next day where he left off the previous day.

16. All the counties shall be called for resolutions on each day during the session of the Legislative Assembly, and all resolutions which shall give rise to debate shall lie over for discussion one day.

17. After one hour shall have been devoted to reports from committees and resolutions, it shall be in order, pending the consideration or discussion thereof, to entertain a motion that the House do now proceed to dispose of the business on the Speaker's table, and to the orders of the day, which being decided in the affirmative, the Speaker shall dispose of the business on his table in the following order, viz:

1st. Messages and other Executive communications.

2d. Messages from the Council and amendments proposed by the Council to bills of the House.

3d. Bills and resolutions from the Council on their first and second reading, that they be referred to the committees, and put under way; but if, on being read a second time, no motion be made to commit, they are to be ordered to their third reading, unless objection be made, in which case, if not otherwise ordered by a

- majority of the House, they are to be laid on the table in the general file of bills on the Speaker's table, to be taken up in their turn.
- 4th. Engrossed bills and bills from the Council on their third reading.
- 5th. Bills of the House and from the Council, on the Speaker's table, on their engrossment, or on being ordered to a third reading, to be taken up and considered in the order of time in which they passed to a second reading. The messages, communications and bills on his table, having been disposed of, the Speaker shall then proceed to call the orders of the day.

*Of Decorum and Debate.*

18. When any member is about to speak in debate, or deliver any matter to the House, he shall rise from his seat, and respectfully address himself to "Mr. Speaker," and shall confine himself to the question under debate, and avoid personalities.

19. If any member, in speaking, or otherwise, transgress the rules of the House, the Speaker shall, or any member may, call to order, in which case, the member so called to order shall immediately sit down, unless permitted to explain; and the House shall, if appealed to, decide on the case, but without debate; if there be no appeal, the decision of the chair shall be submitted to. If the decision be in favor of the member called to order, he shall be at liberty to proceed, if otherwise, he shall not be permitted to proceed, in case any member object, without leave of the House; and, if the case require it, he shall be liable to the censure of the House.

20. If a member be called to order for words spoken in debate, the person calling him to order shall repeat the words excepted to, and they shall be taken down in writing at the Clerk's table, and no member shall be held to answer, or be subject to the censure of the House, for words spoken in debate, if any member has spoken, or other business intervened, after the words spoken, and before exception to them shall have been taken.

21. When two or more members happen to rise at once, the Speaker shall name the member who is first to speak.

22. No member shall speak more than once to the same question, without leave of the House, unless he be the mover, proposer, or introducer, of the matter pending; in which case he shall be permitted to speak in reply, but not until every member choosing to speak shall have spoken.

23. If a question pending be lost by adjournment of the House, and revived on the succeeding day, no member, who shall have spoken on the preceding day, shall be permitted again to speak without leave.

24. While the Speaker is putting any question, or addressing the House, none shall walk out of or across the House; nor, in such case, or when a member is speaking, shall entertain private discourse; nor while a member is speaking, shall pass between him and the chair. Every member shall remain uncovered during the session of the House. No member or other person shall visit or remain by the Clerk's table while the ayes and noes are calling or ballots are counting.

25. No member shall vote on any question in the event of which he is immediately and particularly interested, or in any case where he was not within the bar of the House when the question was put. And when any member shall ask leave to vote, the Speaker shall propound to him the question, "Were you within the bar when your name was called?"

26. Upon a division and count of the House on any question, no member without the bar shall be counted.

27. Every member who shall be in the House when the question is put shall give his vote, unless the House, for special reasons, shall excuse him. All motions to excuse a member from voting shall be made before the House divides, or before the call of the ayes and noes is commenced; and any member requesting to be excused from voting, may make a brief verbal statement of the reasons for making such request, and the question shall then be taken without further debate.

28. When a motion is made and seconded, it shall be stated by the Speaker; or, being in writing, it shall be handed to the chair, and read aloud by the clerk before debated.

29. Every motion shall be reduced to writing, if the Speaker or any member desire it.

30. After the motion is stated by the Speaker, or read by the Clerk, it shall be deemed to be in possession of the house, but may be withdrawn at any time before a decision or amendment.

31. When a question is under debate, no motion shall be received but to adjourn, to lie on the table, for the previous question, to postpone to a day certain, to commit or amend, to postpone indefinitely; which several motions shall have precedence in the order in which they are arranged; and no motion to postpone to a day certain, to commit, or to postpone indefinitely, being decided, shall again be allowed on the same day, and at the same stage of the bill or proposition. A motion to strike out the enacting words of a bill shall have precedence of a motion to amend, and if carried, shall be considered equivalent to its rejection.

32. When a resolution shall be offered, or a motion made to refer any subject, and different committees shall be proposed, the question shall be taken in the following order:

The Committee of the Whole; a Standing Committee; a Select Committee.

33. A motion to adjourn, and a motion to fix the day to which the House shall adjourn, shall be always in order; these motions, and the motion to lie on the table, shall be decided without debate.

34. The hour at which every motion to adjourn is made shall be entered on the Journal.

35. The previous question shall be in this form, "Shall the main question be now put?" It shall only be admitted when demanded by a majority of the members present, and its effect shall be to put an end to all debate, and bring the House to a direct vote upon amendments reported by a committee, if any, upon pending amendments, and then upon the main question. On a motion for the previous question, and prior to

the seconding of the same, a call of the House shall be in order; but after a majority shall have seconded such motion, no call shall be in order prior to a decision of the main question,

36. On a previous question there shall be no debate. All incidental questions of order rising after a motion is made for the previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.

37. Any member may call for the division of a question, which shall be divided, if it comprehend propositions in substance so distinct, that one being taken away, a substantive proposition shall remain for the decision of the House. A motion to strike out and insert shall be deemed indivisible; but a motion to strike out being lost shall preclude neither amendment nor a motion to strike out and insert.

38. Motions and reports may be committed at the pleasure of the House.

39. No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment. No bill or resolution shall, at any time, be amended by annexing thereto, or incorporating therewith, any other bill or resolution pending before the House.

40. When a motion has once been made and carried in the affirmative or negative, it shall be in order for any member of the majority to move for the reconsideration thereof, on the same or succeeding day; and such motions shall take precedence of all other questions except a motion to adjourn.

41. When the reading of a paper is called for, and the same is objected to by any member, it shall be determined by a vote of the House.

42. The unfinished business in which the House was engaged at the last preceding adjournment shall have the preference in the orders of the day; and no motion on any other business shall be received without special leave of the House until the former is disposed of.

43. Every order, resolution or vote, to which the concurrence of the Council shall be necessary, shall be read to the House, and laid on the table, on a day preceding that in which the same shall be moved, unless the House, shall otherwise expressly allow.

44. Any five members shall be authorized to compel the attendance of absent members, and also to call the yeas and nays.

45. Upon calls of the House, or in taking the yeas and nays on any question, the names of the members shall be called alphabetically.

46. No member shall absent himself from the service of the House, unless he have leave, or be sick, or unable to attend.

47. Upon the call of the House, the names of the members shall be called over by the Clerk, and the absentees noted; after which the names of the absentees shall be again called over; the doors shall then be shut, and those for whom no excuse, or insufficient excuses are made, may by order of those present, if five in number, to be taken into custody, as they appear, or may be sent for and taken into custody, wherever to be found, by special messengers to be appointed for that purpose.

48. When a member shall be discharged from custody, and admitted

to his seat, the House shall determine whether such discharge shall be with or without paying fees, and in like manner, whether a delinquent member taken into custody by a special messenger, shall or shall not be liable to defray the expenses of such special messenger.

49. A Sergeant-at-Arms shall be appointed, to hold office during the pleasure of the House, whose duty it shall be to attend the House during its sittings; to execute the commands of the House from time to time; together with all such process issued by authority thereof, as shall be directed to him by the Speaker.

50. The fees of the Sergeant-at-Arms shall be—for every arrest, the sum of two dollars; for each day's custody and releasement, one dollar; and for traveling expenses for himself or a special messenger, going and returning, one-tenth of a dollar per mile.

51. The Sergeant-at-Arms and Door-Keeper shall be sworn to keep the secrets of the House.

52. Eighteen standing committees shall be appointed at the commencement of each session, viz:

Committee on Privileges and Elections.

- “ “ Ways and Means.
- “ “ Judiciary.
- “ “ Accounts and Expenditures.
- “ “ Agriculture.
- “ “ Roads.
- “ “ Militia.
- “ “ Public Buildings and Grounds.
- “ “ Internal Improvements.
- “ “ Federal Relations.
- “ “ Engrossed and Enrolled Bills.
- “ “ County Boundaries and County Seats.
- “ “ Corporations.
- “ “ Library.
- “ “ Banks and Currency.
- “ “ Common Schools, Colleges and Universities.
- “ “ Public Printing.
- “ “ Mines and Minerals.

53. It shall be the duty of the Committee of Elections to examine and report upon the certificates of election, or other credentials of the members returned to serve in this House; and to take into their consideration all such petitions, and other matters touching elections and returns, as shall or may be presented, or come into question, and be referred to them by the House.

54. The several Standing Committees of the House shall have leave to report by bill or otherwise.

55. It shall be the duty of the Clerk of the House, at the end of each session, to send a printed copy of the Journals thereof to the Executive and to each branch of the Legislature of every state.

56. All questions of order shall be noted by the Clerk, with the decision, and put together at the end of the Journal of every session.

*Of Bills.*

57. Every bill shall be introduced on the report of a committee, or by motion for leave. In the latter case, at least one day's notice shall be given of the motion; and the motion shall be made, and the bill introduced, if leave is given, when resolutions are called for; such motion, or the bill when introduced, may be committed.

58. Every bill shall receive three several readings in the House previous to its passage, and bills shall be dispatched in order as they were introduced, unless where the House shall direct otherwise; but no bill shall be twice read on the same day, without the special order of the House.

59. The first reading of the bill shall be for information; and, if opposition be made to it, the question shall be, "Shall this bill be rejected?" If no opposition be made, or if the question to reject be negatived, the bill shall go to its second reading without a question.

60. Upon a second reading of a bill, the Speaker shall state it as ready for commitment or engrossment; and if committed, then a question shall be whether to a select or standing committee, or to a committee of the whole House; if to a committee of the whole House, the House shall determine on what day; if no motion be made to commit, the question shall be stated on its engrossment; and if it be not ordered to be engrossed on the day of its being reported, it shall be placed in the general file on the Speaker's table, to be taken up in its order. But if the bill be ordered to be engrossed, the House shall appoint the day when it shall be read the third time.

61. After commitment and report thereof to the House, or any time before its passage, a bill may be recommitted.

62. All bills ordered to be engrossed, shall be executed in a fair round hand.

63. When a bill shall pass, it shall be certified by the clerk, noting the passage at the foot thereof.

64. No standing rule or order of the House shall be rescinded, changed or suspended, except by a vote of at least two thirds of the members present. Nor shall the order of business as established by the rules of the House be postponed or changed, except by a vote of at least two thirds of the members present.

65. It shall be in order for the Committee on Enrolled Bills to report at any time.

66. The rules of Parliamentary practice comprised in Jefferson's Manual shall govern the House in all cases to which they are applicable, and in which they are not inconsistent with the standing Rules and Orders of the House, and Joint Rules of the Council and House of Representatives.

67. No bill or question which has been once passed or rejected, shall be called up for consideration during the same session, unless two thirds of the House shall be in favor of taking up the same.

68. No amendment by way of Rider shall be received to any bill on its third reading.

Mr. Davis of Cass, offered the following:

Resolved, That we request the Secretary to furnish the House with the necessary information in regard to the amount he is authorized to expend for newspapers for the use of the members of the House.

Mr. Reddick of Douglas, moved that the rule be suspended, for the purpose of taking up the resolution.

Carried.

Mr. Mathias of Otoe, moved to amend by inserting "a committee of three be appointed to wait upon the Secretary and request him."

Accepted.

On motion,

Resolution adopted as amended.

Messrs. Mathias, Whaley and Cleburne, were appointed such committee.

Mr. Clark of Douglas, moved that the Secretary be requested to furnish this House with all information in his possession relative to the public printing of the Territory, and that all the action on the subject of printing be deferred until such information is furnished.

Mr. Parker moved that the motion be indefinitely postponed.

Carried.

Mr. Griffin, from the committee appointed to wait upon the Governor, reported that His Excellency would meet the House in twenty minutes.

Mr. Baker of Nemaha, moved that a committee of three be appointed to wait upon the Council and invite the members thereof to take seats within the bar of this House.

Carried.

Messrs. Baker, Cotterell and Clark, such committee.

Mr. Lockwood of Dakota, moved that the north side of the hall be vacated for the use of the members of the Council.

Carried.

The Council in a body now entered the Hall of the House.

The Council and House of Representatives in Joint Convention assembled,

Hon. William H. Taylor, President of the Council, in the Chair.

On motion of Mr. Taffe of Dakota,

A Committee of five, consisting of two upon the part of the Council, and three upon the part of House, were appointed to inform the Governor that the Legislature is now ready to receive any communication he may have to make.

The President appointed Messrs. Taffe and Belden upon the part of the Council, and Messrs. Mathias, Lockwood and Reddick upon the part of the House, such committee.

His Excellency, the Governor, appeared and delivered the following

## MESSAGE:

*Gentlemen of the Council and House of Representatives:*

There is some significance in the language of the organic law relative to your powers and duties. When it is declared that the legislative power of the territory shall extend to all rightful subjects of legislation consistent with the constitution of the United States, it is plainly implied not only that none but rightful subjects will be undertaken, but also that the legislation itself will be rightful in its character, and as far as possible, beneficial in its results.

I respectfully commend it to your consideration, being persuaded that your desire is neither to exceed nor fall short of that which is committed to your hands. Good legislation is known by its fruits. These fruits are good practical results to the people, and are gathered by every good citizen in the common and ordinary pursuits of life. His prosperity, his protection, and his peace, are evidence that the public are not afflicted with any large amount of useless or unwise legislation, but if the industrious and most prudent of the people complain, it behooves the legislature to examine how far the law is at fault, and in what respect remedies are in their hands. At your last session, I solicited your attention to certain existing evils which needed correction. In some cases requiring the amendment or repeal of defective laws, and in others new legislation when it was evident the enactment of laws was required. I urged then as I urge now the necessity of a law against serious rates of interest. Better have no money than buy it with the life blood of the needy and hard pressed of the people. It is in your power to furnish a remedy against the enormous evil of overwhelming usury, and it is clearly a power coupled with a duty. That duty on your part carries with it double force, for the courts can interpose no saving hand for relief. By the act of March the 14th, 1855, relating to account and interest, it is provided that judgment and decree for the payment of money shall draw the same rate of interest with the contract on which they are rendered, and such rate, if it exceed 10 per cent shall be expressed in the judgment or decree. The bargain may be cruel, hard-hearted, unconscionable and bloody; still the judge is bound by the law to enforce and express it in his decree. If the rate of interest called for by the contract shall exceed 10 per cent per annum, and shall reach 10 per cent per month, the judgment and decree, to the shame of equity and justice, must be for the usury. A well constructed law will very easily prevent or punish its violation, however cunningly the evasion or infraction may be contrived.

A law regulating the compensation of public officers was also pressed upon the attention of the legislature. It required then as it requires now, material alteration, and in almost every case material reduction. Why nothing was done to relieve the people from heavy taxes for the aggrandizement of a few, is better known to others than it is to me. It is perfectly well known, however, that the income of several officers in the territory is far greater than it should be, and that the territorial debt would be an easy burden if it were not for the issue of warrants



to satisfy the claims of public officers; whose fees, in many cases, are four times as much as their services are worth. It is sometimes argued that the fees should not be made less, because the territorial warrants are worth only fifty or sixty per cent on the dollar. That is, extravagant fees are first allowed, and to meet them a public debt is created in the shape of warrants. This debt accumulates with the annual increase of the fees, and the warrants of the territory naturally fall in value, and they by whose legalized exactions the warrants are depreciated must needs be recompensed for the reduction.

I trust you will agree with me that this is not the least part of the inquiry. It is not worth while to attempt a calculation of the general wrong done to the community by the extravagant price paid to certain public officers, under the sanction of existing laws. It is enough to know that all suffer save only the favored few. I feel it to be my duty to call your attention again and with increased earnestness, to the evil. The remedy and responsibility are with you. The present mode of assessing, collecting and appropriating taxes, in the different counties of the territory, is a matter of very general complaint, and calls for correction and reform. I am persuaded that you will give this your early consideration, and induce a salutary and general improvement. The first and most manifest reform is a reduction of the expenses, which, we all know, are burdensome and oppressive in the extreme. But the whole system needs to be remodeled, as you will not fail to see when the subject receives that careful investigation its importance demands.

By the Report of the Territorial Auditor, it appears that the debt of the Territory is about \$52,960.37, and that the resources from taxes not yet collected, amount to \$30,259.10. The County Treasurers not being obliged to settle except once a year, and almost twelve months having elapsed since they have paid in any thing to the Territorial treasury, the auditor fixes the estimated amount in their hands at \$15,000. The auditor has made his report both interesting and useful. You will find that it contains a statement of the ways and means by which the Territorial debt has accumulated in five years to more than \$50,000. Let the days of extravagance and enormous fees be numbered and cut short, and let a system of rigid and severe economy suited to the times and to our condition, be introduced and adopted, and that without delay. Were it my duty or proper, I could go into a full detail of needless expenses to which the people are subject, and from which it is your duty to relieve them. As for instance, the expense of sending a messenger for election returns when the county clerk makes default for a certain number of days. Several hundred dollars are thrown away every year by this means, and without the slightest necessity or benefit, merely because the election law requires it. This is one of many which I am sure your vigilance will not fail to find out, and your faithful labors remove.

Having revised the revenue law and established a firm and honest system of economy, I recommend that the public debt shall receive careful attention. The amount of Territorial warrants outstanding on the 20th of Nov. 1860, was \$46,960.37, and of Territorial bonds, \$4,000. On these the estimated interest is \$2,000. It might perhaps, be well to

pass a law allowing the holders of present warrants to exchange them for bonds payable say in five or ten years, with coupons for semi-annual interest. I would certainly recommend this, especially if the holders of warrants would agree to a fair reduction of interest when the warrants are converted into bonds, and the payment of the interest every six months is made sure. This would be clearly an advantage to the Territory, and at the same time just and fair to the creditors. The warrants are mostly in second or third hands, having been bought at depreciated rates, or if not they are in the hands of those whose devouring fees have eaten up the substance of the people. But whether or not, it is every way better for the public creditors that moderate and certain interest should be accepted, than that large and unreasonable interest should be promised. The conversion of warrants into bonds would create a necessity for requiring a portion of the Territorial tax to be paid in money, and likewise would be one reason, in connection with many others, why the county treasurers should be compelled to make a semi-annual settlement with the Territorial treasurer, instead of a yearly settlement which is all the present law requires.

Whether a sinking fund for the final liquidation and discharge of our whole debt is if bonded at present practicable, I leave entirely to your judgment and decision. I would respectfully suggest the manifest propriety of a regular appropriation bill being passed to meet the expenses of each year, with a positive prohibition of the issue of any Territorial warrants beyond the appropriation, and only for the purposes expressed in the law.

The auditor in his report very justly remarks that the discretion to issue warrants under general laws, ought not to be conferred on him, or on any other person. The reports of the Territorial treasurer and librarian have been received and are herewith submitted.

The library is in much better condition than it ever was before, and has been largely increased within the last year, by the receipt from several States and Territories of valuable law and miscellaneous books, regularly sent in return for the Legislative journals and our Territorial laws. If the present system of management and care is continued for a few years, our library will not be among the least of valuable possessions.

On the 3d of last June, serious damage was done to the Capitol building by a severe storm which raged in this region on that day; Congress happened to be in session at the time, and an appropriation of \$5,000 was promptly made for purposes of repair. Contracts were entered into as soon as possible, and the work of repairing damages was immediately commenced, and is now nearly completed. It is due to the contractors to say that they have faithfully fulfilled their agreements, and their work is an honest work, and the entire job as complete under the circumstances as it could have been made.

In a former communication I suggested a plan of indirect bounty, by which the growth of timber on our prairies might be successfully encouraged. I believe still that the plan is entirely practicable, and I know that it meets with general favor amongst the people. If every quarter section of land occupied by a settler was supplied with a reasonable

amount of timber, the vast advantage would be visible to every eye and extend to every interest. Not the farmer alone, but the whole community, would receive and enjoy the benefit. That timber of the best varieties can be grown in a few years, is established; yet, comparatively, but very little has been planted. Would not a law exempting a certain portion of each person's land from taxation for a specified number of years, as a reward or bounty for the growth of timber, accomplish the desired result? If five acres out of every forty could be covered with a forest, it would be clear economy to set the entire forty free from taxation, and the amount withdrawn from the treasury would be wisely and well bestowed. To me, the subject seems to be one of serious importance, and not unworthy of your early notice and deliberation. Whatever may be the best means, the end, at least, is greatly to be desired.

I suppose we will entirely agree that an appropriate duty of the Territorial Assembly is to press upon the Federal Government the just claims which as a people we have on Federal care and protection. It is not to be denied that appropriations to this Territory have been both indifferent and few. Legislative memorials have hitherto accomplished but little, and we have all become familiar with disappointment. They may not always fail, and if *properly enforced*, we are not without hope of their ultimate success. An appropriation for the building of a penitentiary is of immediate necessity. The completion of the Capitol building is equally necessary and I will cheerfully co-operate with you in every endeavor that may be made to obtain from Congress the required appropriations. Without a bridge over the Loup Fork, the Government Road up the Platte Valley is but a work half done. This improvement is both a public and a military necessity; and not less required, but indeed a matter of fair and just demand, is an appropriation for at least one Military Road from some suitable point on the Missouri river, and south of the Platte, to Fort Kearney. The question of Gold in the western part of this Territory and of Kansas, is no longer doubtful nor open to debate. The travel to and from the mines during the past season has been, as you are well aware, immense. The incoming year will show a large and material increase. The vast emigration has been attended with considerable sickness and suffering, and in many instances death has ensued from the lack of accommodations; nursing and care. The Hospital attached to Fort Kearney is perhaps the only place on the whole route where those overtaken by sickness have any opportunity of being nursed and furnished with medical attendance. I have received the gratifying intelligence that the officers of that post, including those of the medical staff, have done everything in their power to relieve the sick and mitigate their sufferings. Their means are necessarily limited and the accommodations small. I believe it to be the duty, as it is clearly within the power of Congress, to establish at once a commodious Hospital for emigrants, at Fort Kearney, on some plan similar perhaps to that of the Marine Hospitals on the western waters. Nearly every state in the Confederacy is directly interested in this beneficent necessity, for the citizens of nearly every state are

found in the great trains of emigrants passing and repassing between the shore of the Missouri and the gold fields of the West.

I commend the matter to your especial notice, and trust that you will make it the subject of an immediate and earnest memorial to Congress. I call your attention also to the necessity for an Arsenal of Deposit and Repair at some convenient place within this Territory. There is no establishment of the kind nearer than Fort Leavenworth, in Kansas. This is altogether too distant for any sudden emergency that might arise in or near Nebraska. Your appeal to the General Government would, I think, be successful, for at this time an immense quantity of arms and ammunition, left by the "Utah Army," are on deposit at Fort Kearney, which, in the spring, will probably be removed to Fort Leavenworth. Such an Arsenal would be of material advantage to us, and it would seem that it never can be more convenient for the Government to establish it, than now.

I can not close this communication—the last regular message I shall have the honor to submit—without uttering the voice of direct appeal to you in your own behalf and that of the people at large. Our internal affairs call for the exercise of wisdom, sound judgment, patience, and an honest purpose.

These will not fail of producing prosperous results now, and permanent good in time to come. I believe to-day, and with no broken nor diminished confidence, in the wonderful capacity of Nebraska and in her ultimate and complete success. A soil so rich and prolific, a climate for most parts of the year so pleasant, and at all seasons so full of health, was not meant for a waste place nor a wilderness. God has written his decree of her prosperity deep in the earth, and develops His designs in the rejoicing harvests which return in smiling abundance to them who, betimes, have sown in tears. With an unfaltering trust it becomes us to believe, and to say that we believe that He will not suffer his own ordinances to fail, and the plain purposes of his own will to come short of completion.

The relation of a Territory to the General Government is peculiar, and one, in many respects, of entire dependence. Without the aid and fostering care of the Federal Government the territorial condition, especially at the beginning, would be deplorable indeed, and the great object of ultimate hope, the admission into "the Union" as a sovereign state, would be sadly distant and uncertain. The suggestions of self interest, and the loftiest patriotism should combine to make the people of the Territories faithful to the Constitution and firm in their attachment to "the Union." When one is the subject of open and frequent violation; and the other trembles on a sea of troubles, every good and conscientious citizen will ask himself the question, What can I do that my country may be saved? You can not shut your eyes, nor can I close mine to the fearful fact that this confederacy is shaken to the centre and vibrates with intense feeling to its farthest borders. If it is not in our power to do something towards bringing back the days of other years when peace prevailed, let us at least do nothing towards making the present more gloomy, and the future at best, but hopeless.

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Rather with one accord let us invoke the God of all peace, for "even the wind and the sea obey Him," that he will subdue the storm and quiet every angry element of alienation and discord.

SAMUEL W. BLACK.

Executive Chamber, Omaha, December 4th, 1860.

## AUDITOR'S REPORT.

OFFICE OF THE TERRITORIAL AUDITOR, }  
Omaha, Dec. 1st, 1860. }

*Hon. Samuel W. Black,*  
*Governor of Nebraska Territory:*

Sir:—In accordance with an act requiring an annual report from the Auditor, I herewith present for your consideration the following statement: Having, during the past year, opened a new set of books entire, I think it not inappropriate to go back to the beginning of transactions connected with this office, and report the amount appropriated for different purposes since that time up to the 20th ult.

Whole amount of Warrants drawn upon the Treasury from July 1st, 1855, to November 20th, 1860.....	\$59,285 75
Credit the above with whole amount of Warrants redeemed to November 20th, 1860 .....	12,325 38
Amount now outstanding .....	<u>\$46,960 37</u>

Of the above there have been issued to different Accounts as follows:

Interest account.....	\$1,520 35
Penitentiary account.....	663 35
Legislative expense account.....	11,252 00
Salary account of officers.....	8,119 56
Election messenger account.....	1,708 75
Census account of 1855.....	2,455 50
Incidental expense account.....	3,821 56
District Attorney account.....	18,418 93
Special appropriation account.....	7,330 90
Revenue account.....	3,994 85
	<u>\$59,285 75</u>

### LIABILITIES.

Amount of outstanding Warrants.....	\$46,960 37
“ “ Bonds .....	4,000 00
Estimated interest due on Bonds and Warrants.....	2,000 00
	<u>\$52,960 37</u>

## RESOURCES.

Cass County.....	\$5,882	76
Dodge ".....	449	42
Nemaha County.....	3,113	58
Otoe ".....	5,817	59
Douglas ".....	5,633	00
Richardson ".....	1,913	19
Johnson ".....	244	27
Washington ".....	2,088	79
Sarpy ".....	2,506	67
Dixon ".....	117	39
Pawnee ".....	410	37
Dakota ".....	650	93
Burt ".....	881	85
Platte ".....	237	57
Cedar ".....	170	38
Gage ".....	141	34
	\$30,259	10
Excess of liabilities.....	\$22,701	27

As the law requires annual settlements between the County and Territorial Treasurers, but little has been paid into the Territorial Treasury for nearly a year. It is fair to presume that about \$15,000 is at present in the hands of, and will be paid in by, the County Treasurers within the next sixty or ninety days.

I have for some time past had it in contemplation to offer a number of suggestions to the Legislature relative to changes in the Revenue law that I thought would be beneficial; and in order to obtain all the information I could upon the subject I addressed a circular some weeks since to the different County Clerks, asking them to report the working of the present law and to suggest beneficial changes. I find in their responses a general disposition to have the law remain as it is for a while longer, notwithstanding they acknowledge many defects therein, but they think a change at this time would have a tendency to confuse those officers just now becoming familiar with the law, and perhaps be the means of their committing errors.

I deem it a matter of duty, however, to mention some things requiring a change. There are several laws of the territory authorizing the payment of money without specifying any rate, and parties have sometimes taken advantage of this fact, and presented accounts to me to audit, that from the enormity, I was compelled to decline settling. This sometimes creates trouble, and it should not be left to the discretion of the Auditor or any other one officer to say whether bills are right and just. I would, therefore, suggest that the Legislature pass, as it is customary, a regular appropriation bill, making appropriations for the different necessary expenditures, beyond which no warrant should be issued under any circumstances.

Section 62 of the Revenue law appears susceptible of different constructions. The County Treasurers claim a fee from the Territory for

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collecting the revenue of the Territory. I would like to have the present session of the Legislature define this section more clearly.

I learn from rumor that some counties in the southern part of the Territory have taken it upon themselves to discard the levy of taxes made in 1859 by the Territorial Board of Equalization, and have made a levy to suit their views. I understand they do this upon the ground that the Territorial notice of the amount levied, was received by them a few days after the time required by law, and therefore not legal. I can positively state that the notices of the amounts assessed on each county was mailed in due time from the Auditor's office, and if there was any delay it occurred through the mails. I would therefore request, if it be necessary, that the Auditor's and Treasurer's business be legalized by special act, in order that the counties may be compelled to pay their just proportion.

I will be pleased to have a committee examine the books and accounts of this office.

Respectfully, &c.,

R. C. JORDAN,  
Territorial Auditor.

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### TREASURER'S REPORT.

OFFICE OF THE TERRITORIAL TREASURER, }  
Omaha, N. T., Nov. 15th, 1860. }

*Hon. Samuel W. Black,*

*Governor of Nebraska :*

Dear Sir—I have the honor herewith to transmit, as the law requires, a statement of the condition of the Treasury up to this date.

It will be seen that there has been but a small portion of the taxes levied for the year 1859, paid into the Treasury—many of the organized counties having failed to make any returns whatever, and some others only a small part of the amount assessed to them. The aggregate amount of taxes assessed to the several counties in the Territory under the late revenue law, for the year 1859, amounted to \$19,615.47, and but \$4,813.36 has been paid in, leaving \$14,802.11 unpaid.

I would again suggest to the Legislature the propriety of amending the Revenue Law so that the County Treasurers shall be required to pay into the Territorial Treasury a certain portion in money, say one-half. Under the present law the County Treasurers can manage to pay all in warrants, including those recently issued as well as those of a longer out-standing. This is doing injustice to those holding warrants of an early date, and the holders of coupons for interest on the \$4,000 loan; \$1,625 of the latter is now due. These bonds are held, I believe, by parties who live abroad, and for the credit of the Territory, the interest should be promptly paid as it falls due. In accordance with an "Act authorizing the Territorial Auditor to issue warrants to the amount of \$300 in favor of the Territorial Treasurer, for the purpose of purchasing a safe for the use of the Territorial Treasurer," he has purchased an

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excellent safe for \$300 in Territorial warrants, which is in possession of the Treasurer.

The Legislature is requested to appoint a committee to examine the books of the Territorial Treasurer, and cancel the warrants he has on hand.

All of which is respectfully submitted.

W. W. WYMAN,  
Territorial Treasurer.

*Territory of Nebraska, in account with W. W. Wyman, Territorial Treasurer.*

		Dr.	Cr.
1856.			
May 14.	By amount received of W. Caldwell, Treasurer of Cass county,.....		\$66.30
June 16.	By amount received of Isaac Underwood, Treasurer Dodge county,...		20.20
do 16.	To amount paid I. Underwood, Treasurer, mileage and fees,.....	\$14.20	
do 16.	By amount received of W. Hoblitzell, Treasurer Nemaha county,.....		30.00
July 1.	By amount received of F. R. West, on Territorial bonds,.....		4,000.00
1857.			
Jan. 1.	To paid semi-annual interest on Territorial bonds,.....	300.00	
Feb. 13.	By amount received of J. W. Pearman, Treasurer Otoe county,.....		250.00
July 7.	By amount received of T. G. Goodwill, Treasurer Douglas county,.....		377.67
do 18.	By amount received of J. W. Pearman, Treasurer Otoe county,.....		108.33
Aug. 13.	By amount received of Admin. T. G. Goodwill, Treasurer Douglas co.,..		978.06
do 15.	To paid semi-annual interest on Territorial bonds, .....	300.00	
Sept. 10.	By amount received of J. D. H. Thompson, Deputy Treasurer Douglas co.,		260.00
1858.			
Jan. 4.	To paid on interest due on Territorial bonds,.....	55.00	
Dec. 16.	By amount received of Treasurer of Otoe county in warrants,.....		378.46
1859.			
Jan. 13.	By amount received of Treasurer of Otoe county in warrants, \$766.88; in cash, \$21.33,.....		788.21
Aug. 12.	By amount received of Isaac Cook, Treasurer Richardson county, for		



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		tax of 1858: warrants, \$187.25; cash, \$12.75,.....		\$200.00
Aug. 12.	To	allowed I Cook, Treasurer, mile- age fees, .....	\$25.00	
Oct. 15.	By	amount received of J. R. Little, Treasurer of Johnson county, tax 1857, in warrants,.....		98.75
do 15.	To	allowed J. R. Little, Treasurer, mileage fees,.....	20.00	
do 18.	By	amount received of J. R. Little, Treasurer Johnson county, tax 1858: warrants, \$30.25; cash, \$14.58, .....		44.83
do 28.	To	allowed J. R. Little, Treasurer, mileage fees,.....	20.00	
Dec. 10.	By	amount received of Silas J. Fran- cis, Treasurer Dodge county, taxes for 1859,.....		85.80
do 10.	By	amount received of J.W. Pearman, Treasurer of Otoe county, taxes for 1859, .....		243.75
do 16.	By	amount received of J. D. Simpson, Treasurer of Cass county, taxes for 1859,.....		60.85
do 28.	By	amount received of Jacob Strickler, Treasurer Nemaha county, taxes for 1859,.....		437.95
do 28.	By	amount received of E. N. Grenell, Treasurer Washington county, taxes for 1859,.....		348.92
do 28.	To	paid E. N. Grenell mileage fee, .	4.40	
do 30.	To	paid on warrant No. 35,.....	100.00	
1860.				
Jan. 2.	By	amount received of A. M. Pollock, Treasurer of Sarpy county, tax for 1859,.....		597.74
do 2.	To	said A. M. Pollock, mileage and fee, .....	62.17	
do 2.	By	amount received of G. W. Forbes, Treasurer of Douglas county, taxes for 1859,.....		2,069.37
do 2.	By	amount received of John Malone, Treasurer Dixon county, taxes for 1859,.....		71.29
do 2.	To	paid John Malone mileage and fee,	33.12	
do 7.	By	amount received of F. F. Siming, Treasurer Pawnee co., taxes 1859,		137.47
do 7.	To	paid F. F. Siming mileage and fee,	42.36	

Tuesday, December 4th, 1860.

Jan.	12.	By amount received of Treasurer of Dodge county, taxes of 1859,....		\$165.02
do	17.	To paid interest on Territorial bonds,	\$120.00	
do	24.	To amount paid on warrant No. 14,.	125.00	
Mc'h	14.	By amount received of M. Pinkerton, Treasurer Dakota county, taxes 1858, .....		65.20
do	14.	To paid M. Pinkerton mileage and fees,.....	22.00	
May	14.	To paid W. E. Harvey, warrant No. 1859,.....	10.14	
June	-5.	By amount received of M. Pinkerton, Treasurer Dakota co., taxes 1859,		77.50
do	5.	To amount paid M. Pinkerton mileage and fees,.....	20.00	
do	8.	By amount received of J. W. Pearman, Treasurer of Otoe co., taxes 1859, To amount of warrants in the Treasury,....	\$10,907.66	451.50
		To interest paid on warrants, .....	334.62	
			11,242.28	\$12,414.17
		To balance,.....		101.80
			\$12,515.97	\$12,515.97
		Balance due the Treasurer,....	101.80	

## LIBRARIAN'S REPORT.

OFFICE OF THE TERRITORIAL LIBRARIAN, }  
 Omaha, N. T., December 3, 1860. }

To His Excellency, Samuel W. Black,

Governor of Nebraska :

Sir—I have the honor to submit herewith my second annual statement of the condition of the Territorial Library, including the number of books which have been received as donations from the different states of the Union to our Library, the number of those which have been issued during the past year according to law, the number of our Territorial publications now on hand, and a catalogue of the books, documents, &c., belonging to the Territory, now in my office.

When I received, at the hands of my predecessor, the few broken files of newspapers which he had received, I found that no furniture had ever been received by him of his predecessor, nor had he ever purchased any. I therefore commenced purchasing furniture for my office, and had just got the books arranged therein, when the storm of the fifth day of June last took the roof off the Capitol and left the books exposed to the storms that were then quite plenteous. I immediately removed my

office to the Herndon House, where it remained until some two weeks since. In removing and refitting my office for a convenient library room, I have been obliged to be at considerable expense, and to put the Territory to a greater expense than I should otherwise have done.

I have experienced considerable difficulty in procuring the few broken files of newspapers which are now in my office, owing to the great irregularity and uncertainty of the mails in the Territory. I deem it advisable, therefore, to urge the passage of a law requiring each newspaper publisher in the Territory to furnish at the end of each volume of their publication, one complete copy or file of whatever journal they may publish, to the Librarian, who shall audit and approve any bill agreeing with their advertised rates, and draw upon the Auditor of the Territory for the issue of warrants to the full extent of said bill. When said copy of any journal is received, it can only be preserved by binding in a good and substantial manner. Hence, I again request you to urge upon the Legislative Assembly an appropriation to defray the expenses of binding all the files of newspapers now in my possession.

By carefully preserving these diaries of the ever fleeting present, can we alone hand down to our posterity the progressive history of our fair young Territory. Without these files of newspapers, biographers and historians may look in vain for data of past events, and the world will, however willing, be unable to look with an admiring eye upon the individual achievements of our philosophers and statesmen.

Even the publications of the first Legislative Assembly are now nearly extinct, and soon, without some fostering hand to preserve them, we will have no record of the action of that honorable body.

When I received the Library there was to be found *not a single copy* of either the Laws or Journals of the House of Representatives of the first session of the Legislative Assembly.

There are now on hand of the Laws of the third session 405 copies; of the fourth session 667 copies; of the fifth session 304 copies, and of the sixth session 1263 copies—aggregate number, 2639 volumes. And there are now on hand of Journals, 4299 volumes—making the total number of volumes of our own publications now on hand, 6938. There are in this branch of the Library 1332 volumes of Congressional and other documents, and about 400 of public documents from the states and territories—making the whole number about 8760 volumes. There are about 1360 volumes of Law Reports from different states and the United States Supreme Court; about 200 English Law Reports, and of the United States Statutes at large, and the Statutes of the different states, about 200 volumes—making of the Law Library about 1760 volumes. In the Family or Miscellaneous Library, there are 238 volumes, which, added to the Law and Documental branches, make the aggregate number of 10,668 volumes.

I have purchased for the Library Room one of Johnson's County Maps of the Republics and North America; one Johnson's Rail road and Township Map of the Middle States; a sectional Map of Iowa; Colton's New Map of Missouri, and Johnson's sectional Map of Kansas and Nebraska. I have also had mounted twenty of the latest Maps issued by

the War Department, showing the Territory of the United States from the Mississippi valley to the Pacific ocean.

I have also to report that I have taken the liberty to sell copies of the Laws to persons residing outside of the Territory at twenty-five cents per copy; and to persons residing in the Territory I have given the privilege of going to one of the Judges, as provided by law, and getting an order for the Laws, on paying me twenty-five cents per copy.

I have now on hand subject to the order of the Legislative Assembly, \$2.75, which I have received in the manner above described; and I hope the Legislative Assembly will endorse my action, as I have taken the responsibility of selling Territorial property in the absence of law *pro con*.

Hoping your Excellency will urge upon the Assembly now about to convene, the necessity of taking some important steps, which I have recommended, and that that Honorable body will look to their future interests in carefully guarding that which is now in their possession, I have the honor to submit the above, the following catalogue, and to be

Your very obedient servant

ALONZO D. LUCE,

Territorial Librarian.

#### MISCELLANEOUS OR FAMILY LIBRARY.

Adams, John, Life of, 7 vols., by Chas. F. Adams.

Birds of America, 7 vols., by John James Audubon; British Poets, 58 vols.; Boswell's Life of Johnson, 10 vols.; Bancroft's History of the United States, 6 vols.; Brande's Encyclopedia; Brazil, Travels in, by John Maws.

Central America, Travels in, by Jno. S. Stevens, Esq.; Calhoun, John C., 4 vols., by R. K. Cralle; Cook's Voyages, 2 vols., by Capt. James Cook; Crabbe's Synonymes; Canoe Voyage, 2 vols., by J. W. Featherstonhaugh; Chile and La Plata, Travels in, by John Miers.

Democracy in America, by Mon. De Tocqueville; DeWitt Clinton, Life and Writings of, by W. W. Campbell.

Elliott's Debates on the Constitution, 4 vols.; Encyclopedia Americana, 14 vols.

Franklin, Benjamin, the Works of, 10 vols., by Jared Sparks; Francois' Reign of Terror, 2 vols., by J. P. and W. P. Robertson.

Harris on Thunder Storms, 1 vol.; Hoare on the Grape Vine, 1 vol.; Hamilton, Alexander, the Works of, 7 vols., by John C. Hamilton; Holy Bible.

Irving's Works, vols. 34, 8 and 11; Iroquois, the League of, by Lewis H. Morgan.

Monette's Valley of the Mississippi, 2 vols.; Madison Papers, 3 vols., by Henry D. Gilpin.

Nicaragua, its People, Scenery, &c., 1 vol., by E. G. Squier; Naturalist's Library, 38 vols.

Ossian, Poems of, by James McPherson, Esq.

Peru, Prescott's Conquest of, 2 vols., by Wm. H. Prescott; Puritans,

History of, 3 vols., by Daniel Neal; Principles of Beauty in Art, by Jas. Ferguson, F. R. A. S.

Rural Cemeteries, by James Smillie.

Sparks American Biography, 23 vols.; Statesman's Manual, vols. 3 and 4.

Tehuantepec, the Isthmus of, by J. J. Williams.

Vermont, History of, by B. H. Hall.

Washington, George, Life and Writings of, 12 vols., by Jared Sparks; Washington and Adams, Administrations of, 2 vols., by George Gibbs; Webster, Daniel, the Works of, 6 vols.; Webster's Diplomatic and Official Papers, 1 vol.; Webster's Dictionary, 1 vol., by Noah Webster.

#### LAW LIBRARY.

##### *Alabama.*

Laws of 1856-7-8; new series of Reports of; vols. 25, 26, 27, 28, 29, 30, 31 and 32; new series of law Reports; second biennial Geological Report of.

##### *Arkansas.*

Vols. 1, 2, 3, 4, 5 and 16 English's Reports of; vols. 1, 2, 3, 4, 5, 6, 7, 8, Reports of; vol. 6, Pike's Rep.

Received—Digest of Statutes of Arkansas, 1858; first vol. Geological Report of; Digest of the Statutes of 1858; one vol. Geological Rep.

##### *California.*

Vol. 3, 4, 5, 6, 7, 8, 9, 10, 11, Duplicate Copies; Reports of; Statutes of, from '54 to '57 inclusive; Statutes of '58 and '59; Senate and Assembly Journals, and Appendix to, of 5th to 10th session inclusive—(Dup.)

Received—Senate and Assembly Journals and Appendix to, and Statutes of 11th session; Governor's Message; transactions of State Agricultural Society.

##### *Connecticut.*

Vols. 2<sup>d</sup> to 22 inclusive Reports of; vols. 3 and 4 private laws of; Compilation of 1854 laws of; Public Laws of 1855-6-7.

Received—Laws of 1860; public acts of 1858-9; Journals of Assembly 1858; New Haven Colonial Records, 2 vols.; Colonial Records of Connecticut, 1 and 2; transactions of State Agricultural Society, 1859.

##### *Delaware.*

No Reports or Laws received.

##### *Florida.*

Vol. 4, 5, 6, Report of; duplicate Journal House of Representatives 7th session; duplicate Journal of Senate 7th session; duplicate Journal House of Representatives 8th session.

Received—Duplicate copies Journal and Laws of 10th session of Assembly; duplicate Journal Senate, 8th session; duplicate Journal House

of Representatives 9th session; duplicate Laws 8th and 9th session; vols. 7 and 8 Reports of.

*Georgia.*

Vols. 1, 2, 3, 3, 5, 6, 7, 8, 9, 10, 16, 17, Reports of.  
No Reports or Laws received.

*Illinois.*

Vol. 1, 3, 4, Scammon's Reports of; vols. 1, 2, 3, 4, 5, Gilman's Reports of; vols. 11, 12, 13, 14, (duplicate) 15, 16, 18, 18, 19, 20, Reports of; vols. 1, 2, Freeman's Digest of Reports; Laws of 1854 to 1857 inclusive; vols. 1, 2, Statutes of, D. B. Cook & Co.'s edition; three copies of Laws of 1859; Governor's Message.

Received—Vol. 21, 22, Illinois Reports and Laws of 1860, duplicate.

*Indiana.*

Reports 1848-49; vols. 1, 2, Carter's Reports of; vols. 3, 4, 5, 6, 7, Porter's Reports of; vols. 8, 9, Tanner's Reports of; Assembly Journals 1857; Revised Statutes.

No Laws or Reports received.

*Iowa.*

Vols. 1, 2, 3, G. Green's Reports of; vols. 1, 2, 3, 4, 5, 6, Clark's Reports of; Statutes 1853; Code of Iowa, 1851; Schools Laws, 1855; Laws of 1857; Code of 1856; Laws of 1858.

Received—Vol. 7, 8, Clark's Reports; Laws of 1859-60.

*Kansas Territory.*

Statutes 1855; Laws 1857-58; Journals of House and Council 1857, 1858.

Received—Laws and Journals of Legislative Assembly 1859.

*Kentucky.*

Vols. 1 to 7 inclusive, Monroe's Report of; vols. 1 to 9 inclusive, Dana's Report of; vols. 1 to 10 inclusive, 12 to 15 inclusive, B. Monroe's Reports; Revised Statutes of 1852; vols. 1 to 7 inclusive, J. J. Marshall's Reports; Governor's Message, and Laws of 1859-60; vols. 1, 2, Monroe & Harlan's Digest of Reports of; acts of Kentucky (triplicate copies), 1853-54; acts of Kentucky (duplicate copies), 1855-56; vol. 1 Metcalf's Reports; Revised Statutes by R. H. Stanton, 2 volumes.

Received—Vol. 2 Metcalf's Reports of.

*Louisiana.*

Vols. 1 to 10, Martin's Reports of; vols. 1 to 10, Louisiana Reports; vols. 1 to 12, Robinson's Reports.

No Laws or Reports received.

*Maine.*

Vols. 1 to 44 inclusive, Reports; Revised Statutes 1857; Laws 1857-8-9, duplicate copies; vols 43, 44, Reports of; Virgin's Digest of.  
Received—Vol. 45, Maine Reports.

*Maryland.*

Vol. 1 to 9, Gill's Reports of; Laws of 1856-58; Convention Journals 1851; Senate and House Journals 1856-7-8,  
Received—Public Laws of Maryland, vols. 1, 2; Laws of 1860.

*Massachusetts.*

Vols. 1 to 6 inclusive, Gray's Reports: vols, 1 to 17 inclusive, Reports of; vols. 1 to 21 inclusive, Pickering's Reports; 1 to 12 inclusive, Metcalf's Reports; vols. 1 to 11 inclusive, Cushing's Reports; Catalogue of State Library; Laws 1856-7; 9 vols. Plymouth Colony Record; Public Documents 1858-59.  
Received—Vol. 7, Gill's Report; Laws and Public Documents 1860.

*Michigan.*

Vol. 1, Manning's Reports; vol. 1, Walker's Chancery Reports; vols. 1, 2, Douglas Reports; vols. 2, 3, 4, Gibb's Report; Laws 1857; vols. 1, 2, Cooley's Reports; Laws of 1859; School Reports of 1855-6-7; Transactions Agricultural Society 1857.  
Received—Laws 1860.

*Minnesota.*

Statutes of from 1849 to 1858; Laws of 1858 and 1859; Constitutional Debates of; Vol. 1, Reports of  
Received—Laws and Journals of Assembly of 1860; Bank Report and Governor's Message.

*Mississippi.*

Vol. 1 to 14 inclusive, Smeed's & Marshall's Reports; 1, 2, Cushman's Reports; vol. 24, Mississippi Reports; vols. 3, 4, George's Reports; Assembly Journals 1858; Laws of 1858.  
Received—Laws 1859 and 1860.

*Missouri.*

Vol. 4 to 9, 11 to 22, 24 to 26, Report of; Digest of Report Casselberry.  
Received—Laws of 1859; Laws of 1857; Barkley's Digest of Reports.

*New Hampshire.*

Vol. 1 to 12 inclusive, Reports of; 13, 19, Second Series of Report of; 1 to 10 inclusive, Foster's Report of; 1, 2, 3, 4, Fogg's Report of; Bell's Digest Report of; Laws of 1858; Journals of Assembly, 1856 to 1859 inclusive; Vol. 5, 6, Fogg's Reports; 12th Report of Common Schools; Catalogue of State Library.  
Received—Laws of 1859 and 1860.

Tuesday, December 4th, 1860.

*New Jersey.*

Vol. 1, Green's Report of; 2, 3, 4, Harrison's Report of; 1, Spencer's Report of; 1, 3, Southard's Report of; 1, 2, 3, 4, Zabriskie's Report of; 1, 2, 3, Green's Chancery Report of; 1, 2, Stockton's Chancery Report of; Nixon's Digest of Laws 1709 to 1755; Laws of 1855, 1856, 1857; Vol. 2, Dutcher's Report; Laws 1859.

Received—Laws 1860.

*New York.*

Vol. 1 to 20 inclusive, Johnson's Report; 1 to 11, Paige's Chancery Reports; 1 to 9, Cowen's Reports; 1 to 26, Wendell's Reports; 1 to 70, Hill's Reports; 1 to 5, Denio's Reports; 1 to 4, Court of Appeals, 'Comstock'; 1 to 4, Smith's Reports; 1 to 7, Johnson's Chancery Reports; 1, Hopkins' Chancery Reports; 1, 2, 3, Revised Statutes, 2nd edition from 1828 to 1835; Laws of New York from 1836 to 1859 inclusive; 1 Vol. Tax Laws; Index to Laws from 1842 to 1855; Code of Public Instruction; General Index to Laws of 1842; Code of Civil Procedure. Code of Criminal Procedure; 1 Vol. Poor Laws; Vol. 1, 2, 3, 4, Reports of the Commissioners on Practice and Pleadings, of Code of Procedure; 1 Supplement to the Code Procedure; Special Acts of Code of Civil and Criminal Procedure; Vol. 1 to 10 inclusive, Colonial History; Convention Journal, 1846; 11 copies 71st Report Regents University; 1 copy 11th Report Regents University; 1 copy 72nd Report Regents University; 22 Vol. Documents Assembly, 1857 to 1859; Report of Trustees State Library; Vol. 1 to 3, Johnson's case; 1, 3, to Cames' Report; 1, 2, 3, Barbour's Chancery Report; Parker's Criminal Report, 2 Vol.

No Laws or Reports received.

*North Carolina.*

Vol. 1 to 13 inclusive, Iredell's Law Reports; 1, Busbee's Law Reports; 1, Jones' Digest of Reports; 2 to 5, Jones' Law Reports; 1, 2, Devereux's Equity; 1 to 8 inclusive, Iredell's Equity; 1, Busbee's Equity; 2, 3, Jones' Equity; Revised Code of 1855; Laws of 1854, 1855, 1856, 1857.

No Laws or Reports received.

*Ohio.*

Vol. 1 to 9 inclusive, Hammond's Revised Reports; 1 to 6 inclusive, Hammond's State Reports; 1 Supreme State Reports; 1 Swann's Statutes, Derby's Edition; 7, 8, Ohio State Reports; Duplicate copies Ohio School Laws, 1858; Laws of Ohio, 1858; Nash's Digest.

Received—Laws of 1859.

*Oregon.*

Laws of 1857, 1858; Journals of Council and House, 1857, 1858.

Received—Laws and Journals of 1859.

*Pennsylvania.*

Vol. 1, 2, 3, 4, Dallas's Reports; 1, 2, 3, Reports of; 1 to 10 inclusive,



Watt's Reports; 10 to 4, 6 to 9 inclusive, Watts and Seargant's Reports; 1 to 17 inclusive, Seargent and Rawl's Reports; Vol. 1 to 23 inclusive, and Vol. 25 State Reports; Laws of from 1789 to 1850, 1856, 1857, 1858 and 1859.

Received—Laws 1860; Governor's Message and Public Documents 1860.

*Rhode Island.*

Vols. 1, 2, 3, 4, 5, Reports of; Laws of 1855, 1856, 1857, 1858, 1859; Laws January and May sessions of 1858; Revised Statutes of; 4 Vols. Colonial Records; Supplement to Revised Statutes; Index to Acts and Resolutions, 1758 to 1850; Census of the Colony 1774; Report General Assembly 1856, 1857, 1858, 1859; Laws of January session, 1860.

*South Carolina.*

Vol. 1 and 2 McCord's Report of; vol. 1 and 2 Nott and McCord's Reps.; vol. Harper's Law Rep.; vol. 9 Richardson's Law Rep.; vol. 1 Bailey's Equity do.; vol 1 to 4 Equity Rep.; vol. 1 Cheever Law Cases; vol. 1 Cheever Chancery Cases; Acts, Rep. of General Assembly 1852; No Laws or Reports received.

*Tennessee.*

Vol. 2, 3, 4, Sneed's Reports.

Received—Vol. 5, Sneed's Reports; Laws of 1859 and '60; Pub. Docs. and papers of As. '59, '60; Duplicate copies Code of; Laws of 1857 and 1858; Report of State Officers.

*Texas.*

Vol. 11, 13, 14, 15, 16, 17, 18, 19, 20, Reports; vol. 1 Digest of Rep.; Laws of 1855, 1856; Codes of 1857; Laws of 1857 and 1858; Oldham's and White's Digest Law; House and Senate Journals.

*Utah Territory.*

Revised Laws of 1855.

Received—Laws of 1858.

*Vermont.*

Received—Vol. 28, 29, 30, Williams' Rep.; Laws of 1858; Catalogue of State Library; History of, by B. H. Hall; Sermon delivered before the General Assembly; Report of the Geological survey; Report on the Marbles of Vermont; Report of the Auditor of Accounts; Report of the Railroad Commissioner, 3d Report; Report of the Board of Education, 2d Report; Laws and Documents of Assembly of 1859, '60; Report of Auditor of Apc. '59; Report on the Artificial of Fish; Report of Committee on Dred Scott decision; Report Geological Report of 1859; Journals of Assembly, 1856, '57, '58, '59; First Registration Report, &c.; vol. 1 to 24 inclusive, Reports of; vol. 1 and 2 Tyler's Reports; vol. 1

Tuesday, December 4th, 1860.

Chapman's Reports; Reports of Cases 1793, 1821, '24; Reports of State Officers.

*Virginia.*

Vol. 1, 2, 3, 4, Hewing and Montfort's Reports; vol. 1, 2, 3, 4, 5, 6, Munford's Reports; vol. 1 and 2 Robinson's Reports.

Received—Journal of House Delegates; 1, 2, 3, 4, 5, parts December; 1, 2, 3, 4, 5, 6, Randolph's Reports; 1 State Reports; 1 to 12 inclusive Lee's Reports; session 1857, '58; Laws of 1857, '58; No Laws or Reports received.

*Washington Territory.*

Laws of 1856, '57; Journal of Council and House, 1856, '57.

Received—Laws of 1858; Journals of 1858; Laws and Journals of Assembly of 1859, '60.

*Wisconsin.*

Vol 1 to 5 inclusive, Reports of; vol. 1 to 4 inclusive, Chandler's Reports.

Received—Vol. 6 Wisconsin Reports; Private Laws of 1854; Laws of 1854; Private Laws of 1857; Laws of 1857; Private Laws of 1858; Revised Statutes of 1858.

MISCELLANEOUS LAW LIBRARY.

Abbott on Shipping, 1 vol.; Adams on Ejectment, 1 vol.; Adams on Equity, 1 vol.; Angell on Law of Carriers, 1 vol.; Angell on Fire and Life Insurance, 1 vol.; Angell on Limitations, 1 vol.; Archbold's Criminal Practice and Pleading, 3 vols.

Bacon's Abridgment, 10 vols.; Beck's Medical Jurisprudence, 2 vols.; Bishop on Marriage and Divorce, 1 vol.; Bingham on Infancy, 1 vol.; Blackstone's Commentaries, Chitty, 2 vols.; Bright on Husband and Wife, 2 vols.; Browne's Civil and Admiralty Law, 2 vols.; Browne on Statute of Frauds, 1 vol.; Broom's Legal Maxims, 1 vol.; Bouvier's Law Dictionary, 2 vols.; Bouvier's Institutes, vol. 2; Burrill's Law Dictionary, 2 vols.

Cobb on Slavery, 1 vol.; Conkling's Treatise, 1 vol.; Curtis on Copyright, 1 vol.; Curtis on Patents, 1 vol.; Chitty on Bills, 1 vol.; Chitty's Pleading, 3 vols.; Chitty's Criminal Law, 1 vol.; Coke upon Littleton, 2 vols.

Dayton on Surrogates, 1 vol.; Dunlap's Admiralty Practice, 1 vol.; Dunlap's Paley's Agency, 1 vol.; Donat's Civil Law—Strahan, 1 vol.

Edwards on Receivers in Equity, 1 vol.; Edwards on Bills and Promissory Notes, 1 vol.; Edwards on Bailments, 1 vol.; English Law and Equity Reports, 24 vols.; English Common Law Reports, 91 vols.; English Chancery Reports, 43 vols.; English Courts of Admiralty Reports (Robinson), vol. 6; Exchequer Reports, Crompton and Jervis, 2 vols.; Exchequer Reports, Crompton, Meeson and Roscoe's, 2 vols.; Exchequer Reports, Crompton and Meeson's, 2 vols.; Exchequer Re-

ports, McLeland and Younge's, 1 vol.; Exchequer Reports, Younge's, 1 vol.; Exchequer Reports, Younge and Jervis, 3 vols.; Exchequer Reports, Welsby, Hurlstone and Jordons, 10 vols.; Exchequer Reports, Meeson and Welsby's 16 vols.; Earne on Remainders, 2 vols.

Graham's and Waterman's New Trials, 3 vols., Gow on Partnership, 1 vol.; Gould's Pleadings, 1 vol.; Greenleaf's Overruled Cases, 1 vol.

Hilliard on Mortgages, 1 vol.; Hawkins' Pleas of the Crown, 2 vols.; Hill on Trustees, 1 vol.

Jarman on Wills, 2 vols.

Kent's Commentaries, 4 vols.; Kyd on Awards, 1 vol.

Leading cases in Equity (Hare and Wallace's Notes), 3 vols.

Marshall on Insurance, 2 vols.; Mitford's Chancery Pleadings (English), 1 vol.; Miscellaneous Library, 253 vols.; Morehead's Practice, 1 vol.

Parsons on Contracts, 2 vols.; Phillips on Insurance, 2 vols.; Phillips on Evidence, 5 vols.

Roberts on Frauds, 1 vol.; Roper on Legacies, 2 vols.; Roscoe's Criminal Evidence, 1 vol.; Russell on Crimes, 1 vol.

Saunders on Pleadings and Evidence, 3 vols.; Sedgwick on Measure of Damages, 1 vol.; Sheppard's Touchstone, 3 vols.; Smith's Commentaries on Constitutional Construction, 1 vol.; Smith's Leading cases, 2 vols.; Starkie on Slander, 2 vols.; Story on Agency, 1 vol.; Story on Bailments, 1 vol.; Story on Constitution, vol. 2; Story on Contracts, 1 vol.; Story on Conflict of Laws, 1 vol.; Story on Equity Pleadings, 1 vol.; Story's Equity, vol. 2; Story on Partnerships, 1 vol.; Story on Sales, 1 vol.; Sugden on Vendors, 1 vol.

The Reporters, by John W. Wallace, 1 vol.

U. S. Statutes, Reports, &c.—Cranch's Reports of, vols. 3 to 9 inclusive; Wheaton's Reports of, vols. 1 2, 3, 4, 5, 7, 8, 9, 10 11, 12; Peter's Reports of, vols. 1 to 16 inclusive; Howard's Reports of, from 1 to 21 inclusive; McLean's Reports of, vols. 1 to 6 inclusive; Gordon's Digest of; Opinions of Attorneys General, from 1789 to 1850; Opinions of Attorneys General, vols. 1 to 5 inclusive; Statutes at Large of, vol. 1 to 11 inclusive; Digest of Laws of, from 7 to 14 inclusive; Annals of Congress of, from its first session to the 2d vol. of the first session of the 18th Congress, 55 vols.; American Archives of, from 1774 to 1776, 6 vols.; Documents of Congress, 1092 vols.; Exploring Expedition of Charles Wilkes, 10 vols.

Viner's Abridgment, 24 vols.; Viner's Supplement, 6 vols.

Waterman's Eden on Injunctions, 1 vol.; Wheaton's Selwyn, 2 vols.; Wigram on Discovery, 1 vol.; Willard's Equity Jurisprudence, 1 vol.

Received—The Monthly Journal of American Geographical and Statistical Society, 9 vols.

On motion of Mr. Clark of Douglas,  
The Joint Convention was adjourned.

Tuesday, December 4th, 1860.

The House having resumed business,

Mr. Mathias of Otoe, moved that the Clerk be requested to furnish three thousand copies of the Governor's Message and accompanying documents for the use of the members of the House.

Mr. Cleburne of Sarpy, moved to adjourn until 2 o'clock P. M.

Lost.

Mr. Clark of Douglas, moved to lay the motion on the table.

Lost.

Mr. Hedde of Hall, moved to amend the motion by inserting "five hundred copies in the German language."

Carried.

Motion as amended was carried.

Mr. Davis of Cass, offered the following:

Resolved, That the Chief Clerk be instructed to procure the incidental printing for the House during the session.

Laid over under the rule.

Mr. Mathias of Otoe, moved that the committee already appointed to wait on the Secretary, be instructed also to consult with him in regard to the postage of the members of the House.

Carried.

The following notices of bills were given:

By Mr. Lockwood of Dakota,

Of a bill to abolish the office of Territorial School Commissioner, and impose the duties of said office upon the Territorial Auditor.

By Mr. Downs of Otoe,

Of a bill to amend the homestead bill,

Also,

A bill to reduce the fees of officers.

Also,

A usury bill.

By Mr. Acton of Richardson,

Of a usury bill.

Also,

A bill to amend the road law.

Also,

Of a bill to legalize the acts of the Rulo Town and Ferry Company.

Also,

A bill to regulate elections in Nebraska Territory.

Also,

A bill to amend the charter of Rulo.

Also,

A bill to amend the revenue law.

On motion,

The House adjourned until 10 o'clock to-morrow morning.

GEO. L. SEYBOLT, Chief Clerk.

HOUSE OF REPRESENTATIVES,  
Wednesday, December 5th, 1860. }

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Journal read and approved.

Mr. Clark of Douglas, moved for call of the House.

Call had.

Messrs. Baker and Downs absent.

On motion of Mr. Cleburne of Sarpy, all further proceedings under the call, dispensed with.

Mr. Davis of Cass, moved that Mr. Baker be excused on account of sickness.

Carried.

On motion of Mr. Mathias of Otoe, the House took a recess of thirty minutes to enable the Speaker to complete the list of Standing Committees.

The House having resumed business,

Mr. Reddick of Douglas, moved that the Speaker appoint another Page.

Carried.

The Speaker announced the following Standing Committees:

Privileges and Elections—Messrs. Baker, Davis, Lockwood, Clark and Hyde.

Ways and Means—Messrs. Cavins, Baker, Whaley, Reddick and Downs.

Judiciary—Messrs. Lockwood, Reddick, Cavins, Whaley and Acton.

Accounts and Expenditures—Messrs. Davidson, Hacker, Barnum, Porter and Lowe.

Agriculture—Messrs. Griffin, Coleman, Read, Cowles and Gates.

Roads—Messrs. Barrett, Sollenberger, Chase, Fowler and Grebe.

Militia—Messrs. Chase, Fisher, Mead, Downs and Cleburne.

Public Buildings and Grounds—Messrs. Beane, Barnum, Tisdell, Hedde and Reddick.

Federal Relations—Messrs. Whaley, Gilmour, Mathias, Downs and Acton.

Internal Improvements—Messrs. Read, Davidson, Baker, Willard and Hyde.

Engrossment and Enrolled Bills—Messrs. Parker, Sibley and Clark.

Boundaries and County Seats—Messrs. Davis, Cotterell, Mead, Sollenberger and Grebe.

Corporations—Messrs. Gilmour, Hedde, Sibley, Downs and Reddick.

Libraries—Messrs. Hacker, Barrett, Fowler, Porter and Hyde.

Banks—Messrs. Cowles, Tisdell, Coleman, Millard and Cleburne.

Common Schools and Colleges—Messrs. Mullen, Griffen, Tisdell, Lowe and Cleburne.

Public Printing—Messrs. Mathias, Parker, Fisher, Lowe and Porter.

Wednesday, December 5th, 1860.

The Speaker appointed as Pages, Dana Thayer and Harman Hartman.  
Mr. Gilmour of Cass, gives notice that he will on to-morrow, or some subsequent day, introduce a bill for an act for the relocation of the County Seat of Cass county by a vote of the people.

Mr. Davidson of Sarpy,

Of a bill to create the office of Precinct Assessor.

Mr. Cavins of Otoe,

Of a bill to regulate the interest on money and prescribing a penalty for taking illegal interest.

Also,

Of a bill regulating the salaries and fees of officers.

Also,

Of a bill regulating the administration of decedent estates.

Mr. Mullen of Cass,

Of a bill to amend an act entitled "An act to provide for the valuation and assessment of real and personal property, and for the levying and collection of taxes in the Territory of Nebraska."

Also,

Of a bill to amend an act entitled "An act for locating, opening, repairing and changing county roads.

Also,

Of a bill to locate a territorial road from Plattsmouth in Cass county to Fort Kearney.

Also,

Of a bill to amend an act entitled "An act to incorporate the city of Plattsmouth.

Also

Gives notice that he will introduce a memorial asking the General Government for an appropriation to make a geological survey of the Territory of Nebraska.

Mr. Griffin of Douglas,

Of a bill to extend the time for the collection of taxes in Nebraska Territory.

Also,

Of a bill to encourage the cultivation of timber.

Mr. Hyde of Burt,

Of a bill to authorize D. F. Herrington and L. B. Osgood to establish and keep a ferry across the north fork of the Platte river.

Mr. Reddick of Douglas,

Of a bill to abolish the office of Master in Chancery in this Territory.

Also,

Of a bill to limit the salary and fees of the prosecuting attorneys of this Territory to five hundred dollars.

Mr. Clark of Douglas,

Of a bill to amend the Revenue Law.

Also,

Of a bill to incorporate the Pioneer Hook and Ladder Company of Omaha city.

Also,

Of a bill to amend the act of incorporation of the I. O. O. F. of Omaha city.

Mr. Lowe of Douglas,

Of a bill to amend the revenue law.

Also,

Of a bill to amend the election law.

Also,

Of a bill to prevent fraudulent voting.

Also,

Of a bill to incorporate a seminary at Elkhorn in this Territory.

Mr. Cleburne of Sarpy,

Of a bill for an act to amend an act entitled "An act relative to money of account and interest."

Also,

Of a bill for an act to limit the time within which civil actions in certain cases may be brought.

Also,

Of a bill for an act relative to debtors to the Territory of Nebraska.

Also,

Of a bill for an act to exempt a certain amount of personal property from taxation, and to regulate the mode of assessing real estate.

Also,

Of a bill for an act to amend an act entitled "An act to amend an act in relation to elections, approved Jan. 26th, 1856," approved Feb. 13th, 1857.

Mr. Barrett of Dixon,

Of a bill to amend the license law.

Also,

Of a bill to prohibit slavery in the Territory of Nebraska.

Mr. Matthias of Otoe,

Of a bill providing for the election of precinct assessor.

Also,

Of a bill amendatory of the election law.

Also,

Of a bill prohibiting slavery in this Territory.

Mr. Grebe of Douglas,

Of a bill to memorialize Congress for a grant of one section of land *in and* for each township in the Territory for the cultivation of timber thereon.

Mr. Reed of Cass,

Of a bill to provide for the assessment of real and personal property in the Territory of Nebraska.

Mr. Lockwood of Dakota,

Of a bill to abolish the office of Territorial Librarian and impose the duties of said office upon the Territorial Auditor.

Mr. Acton of Richardson,

Of a bill for an act respecting jurors.

Also,

Of a bill for an act to authorize Felix Kitch to establish and keep a ferry across the Missouri river at Rulo.

Mr. Downs of Otoe,

Of a bill to regulate the taking up and disposal of estrays.

Also,

Of a bill to exempt a certain amount of property from forced sale.

Mr. Mullen of Cass offered the following.

Resolved, That the Sergeant-at-Arms be instructed to make all necessary arrangements with the Post Master of this city, by which all mail matter directed to the members of this House may be delivered to them.

Laid over under the rule.

The following notices of bills were given:

Mr. Matthias of Otoe,

Of a bill to provide for the publication of the laws in certain newspapers.

Mr. Sibley of Otoe,

Of a bill to amend the charter of Nebraska City.

On motion of Mr. Clark of Douglas,

E. D. Webster and G. W. Rust were admitted to seats within the bar of this House as reporters, respectively for the "Nebraska Republican" and "Omaha Nebraskian."

Mr. Hyde of Burt, moved that the Secretary be requested to procure a screen between the members and the stove.

Carried.

Mr. Matthias from committee to wait upon the Secretary with regard to newspapers and the postage of members of the House, reported:

That the Post Master on being furnished with the names of the members of the House of Representatives and clerks of said body, he will pay the postage of the frank of each member and the two clerks; he further reported.

That the Secretary of the Territory is authorized to pay one hundred and fifty dollars from the general funds to pay subscriptions to newspapers for the Legislative Assembly.

Mr. Reddick of Douglas, moved that the report be accepted, and

On motion,

Adopted.

Mr. Cleburne moved that a committee of three be appointed on the part of the House, to confer with a like committee on the part of the Council relative to the apportionment of newspapers to members.

Carried, and

Messrs. Cleburne, Matthias and Porter appointed such committee.

On motion of Mr. Lockwood of Dakota,

Mr. Burbank was admitted as reporter to a seat within the bar of this House.



On motion of Mr. Matthias of Otoe,

Mr. Harvey was admitted a reporter to a seat within the bar of this House.

Mr. Lockwood of Dakota, moved that Frederick Wilkinson be and hereby is invited to take a seat within the bar of this House at pleasure, as delegate from mining region of this Territory.

Mr. Mullen of Cass, offered the following:

Resolved, That the House proceed to consider the Governor's Message and to refer portions of the same to the appropriate committees.

Laid over under the rule.

Mr. Davis of Cass, offered the following:

Resolved, That the Governor, Secretary, Judges of the Supreme Court, members of the Council, ex-members of the Legislature and editors of newspapers in this Territory, be and are hereby invited to take seats within the bar of the House at pleasure.

Laid over under the rule.

Mr. Cowles of Otoe, moved that the House resolve itself into a committee of the whole for the purpose of considering the Governor's Message.

Carried.

Mr. Lockwood of Dakota, in the Chair.

The House having resumed business, Mr. Lockwood of Dakota, submitted the following report:

*Mr. Speaker:*

Your committee to whom was referred the Governor's Message have had the same under consideration, and have directed me to report to the House that they recommend the following references:

That so much of the Governor's Message as relates to Usury be referred to the Committee on Judiciary.

That so much of the Governor's Message as relates to the Reduction of Fees and Salaries of Officers be referred to Committee on Ways and Means.

That so much of the Governor's Message as relates to Federal Relations be referred to the Committee on Federal Relations.

That so much of the Governor's Message as relates to Encouragement of the Growth of Timber be referred to Committee on Agriculture.

That so much of the Governor's Message as relates to the Assessment and Collecting for Revenue be referred to Committee on Judiciary.

That so much of the Governor's Message as relates to the Establishment of an Arsenal be referred to Committee on Federal Relations.

That portion of the Governor's Message relating to Libraries be referred to Committee on Libraries.

That portion of the Governor's Message relating to Appropriations from the General Government be referred to Committee on Federal Relations.

That portion of the Governor's Message relating to Sinking Fund to Committee on Judiciary.

That portion relating to Capitol Buildings to Committee on Grounds and Buildings.

That portion of the Governor's Message relative to the Bridging of the Loup Fork to Committee on Federal Relations.

That portion of the Governor's Message relating to Roads to Committee on Federal Relations.

That portion of the Governor's Message relative to Memorials and Appropriations from the General Government be referred to Committee on Federal Relations.

That portion of the Governor's Message relative to Treasurer's Report be referred to Committee on Ways and Means.

That all that portion of the Governor's Message relating to the Establishment of a Hospital at Fort Kearney be referred to Committee on Federal Relations.

That portion of the Governor's Message relative to Territorial Auditor's Report be referred to Committee on Accounts and Expenditures.

And your Committee would most respectfully recommend its adoption.

Mr. Cleburne of Sarpy, moved that report be adopted.

Carried.

Mr. Cowles of Otoe, moved that the Clerk be instructed to procure two hundred copies of the List of Standing Committees of the House for the use of the members.

Mr. Downs of Otoe introduced

H. F. No. 1, "A bill for an act to regulate and establish the rate of interest on money and contracts."

Read first time.

On motion,

The rules were suspended and the bill read a second time by its title and referred to the Committee on Judiciary.

Also,

H. F. No. 2, "A bill for an act regulating the fees and salaries of certain officers."

Read first time.

On motion

The rule suspended and the bill read a second time by its title and referred to the Committee on Judiciary.

Mr. Clark of Douglas, moved that there be added to the Standing Committees that of Mines and Minerals.

Ayes and nays were demanded with the following result:

Ayes—Messrs. Acton, Baker, Beane, Cavins, Chase, Clark, Cleburne, Coleman, Cotterell, Cowles, Davidson, Downs, Fisher, Gates, Gilmour, Grebe, Griffin, Hacker, Hedde, Hyde, Lockwood, Lowe, Matthias, Mead, Millard, Mullen, Parker, Porter, Reddick, Reed, Sibley, Sollenberger, Tisdell and Whaley.—34.

Nays—Messrs. Barnum, Davis and Fowler.—3.

Adopted.

Mr. Davis of Cass, called up the resolution offered by him yesterday, relative to the public printing.

Mr. Lockwood of Dakota, moved to amend the resolution by inserting that the Clerk be instructed to employ Erastus D. Webster.

Mr. Cleburne of Sarpy, moved to amend the amendment by adding the following: "Provided however, that the Territory shall not be held responsible for any debt on account of public printing."

Amendment to the amendment

Lost.

Mr. Cleburne of Sarpy, offered as an amendment to the amendment the following: "Provided however, that the Territory shall not be held responsible for any debt on account of public printing, but that the party solicited to perform it shall look exclusively to the government of the United States for his payment."

Overruled.

The question recurring on Mr. Lockwood's amendment,

The yeas and nays were demanded with the following result:

Ayes—Messrs. Baker, Barnum, Barrett, Beane, Cavins, Coleman, Cotterell, Cowles, Davidson, Davis, Fisher, Fowler, Gilmour, Griffin, Hacker, Hedde, Lockwood, Matthias, Mead, Mullen, Parker, Sibley, Sollenberger, Tisdell and Whaley.—26.

Nays—Messrs. Acton, Clark, Cleburne, Downs, Gates, Grebe, Hyde, Lowe, Millard, Porter, Reddick and Reed.—12.

So the amendment was

Adopted.

On motion,

The resolution as amended was

Adopted.

On motion of Mr. Griffin of Douglas,

The House adjourned until 10 o'clock to-morrow morning.

GEORGE L. SEYBOLT, Chief Clerk.

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HOUSE OF REPRESENTATIVES,  
Thursday, Dec. 6, 1860. }

House met pursuant to adjournment.

Speaker in the chair.

Call of the House demanded.

Quorum present.

Prayer by the Chaplain.

Journal read and approved.

The Speaker announced as a Standing Committee on Mines and Minerals,

Thursday, December 6th, 1860.

Messrs. Clark, Matthias, Porter, Fisher and Hyde.

On motion of Mr. Matthias,

Mr. Baker was excused for the day on account of sickness.

Mr. Reddick of Douglas,

Presented the petition of Joseph E. Johnson, praying for a seat as representative from the counties of Hall and Buffalo.

On motion,

Referred to the committee on Privileges and Elections.

Mr. Davis of Cass,

Presented the petition of E. J. Davenport, praying for a seat as representative from the county of Richardson.

On motion of Mr. Clark of Douglas,

Referred to the Committee on Privileges and Elections.

Mr. Downs of Otoe, moved that the certificates of election and all papers relative thereto, be referred to the same committee.

Carried.

Mr. Davidson of Sarpy, offered the following:

Resolved, That the regular hour for meeting of the House during the session shall be 10 o'clock, A. M.

Laid over under the rule.

The following notices of bills were given:

By Mr. Lowe of Douglas,

A bill to provide for the leasing of the school lands of this Territory.

By Mr. Gilmour of Cass,

A bill for an act defining certain duties of Road Supervisors.

By Mr. Chase of Cedar,

A bill for the location of a Territorial road from St. James in Cedar county, to Columbus on the Loup Fork in Platte county.

By Mr. Acton of Richardson,

A bill to dissolve the bonds of matrimony between James Higgins and Jennie Higgins.

By Mr. Fowler of Pawnee,

A bill to restrain sheep and swine from running at large in Pawnee county.

Also,

Of a bill to incorporate the Prospect Hill Cemetery Company of Pawnee city.

Also,

Of a bill to authorize John C. Wood to maintain a mill dam on the north fork of the Great Nemaha River, in Pawnee county.

Also,

Of a bill relating to inclosures and trespassing of animals.

By Mr. Reddick of Douglas,

Of a bill authorizing suits to be brought on written instruments in the name by which the same are executed.

Also,

Of a bill regulating the fees of the clerks of the district courts.

By Mr. Tisdell of Richardson,

Of a bill to unite the offices of Territorial Librarian and Auditor.

Also,

Of a bill to unite the offices of Territorial School Commissioner and Treasurer.

Also,

Of a bill to reduce the fees of County Commissioners.

Also,

Of a bill to dissolve the bonds of matrimony between Reuben Williams and Jane Williams.

By Mr. Hyde of Burt,

Of a bill to establish a ferry across the Missouri river, in Burt county.

Also,

Of a bill for an act to amend sec. 4 of an act entitled "An act respecting juries," approved November 2, 1858.

By Mr. Cavins of Otoe,

Of a bill for a law concerning occupying claimants.

By Mr. Sollenberger of Otoe,

Of a bill to locate a territorial road from Nebraska City to New Fort Kearney.

Mr. Cleburne from the committee appointed to confer with a like committee on the part of the Council relative to the apportionment of the amount assigned to each member of the Legislature for newspapers, reported :

That each member of this House and the two clerks are entitled to apply for said purpose the sum of two dollars and sixty-seven cents each.

On motion of Mr. Reddick of Douglas, the report was

Adopted.

Mr. Mathias of Otoe introduced

H. F. No. 3, "A bill for an act prohibiting slavery."

Read first time.

On motion of Mr. Downs of Otoe, the rules was suspended and the bill read a second time by its title, and referred to the Committee on Judiciary.

Mr. Millard of Douglas moved that one hundred copies of the bill be printed for the use of the House.

Carried.

Mr. Reddick of Douglas, introduced

H. F. No. 4, "A bill for an act to repeal an act for the appointment of Masters in Chancery."

Read first time.

On motion of Mr. Clark of Douglas,

The rule was suspended, and the bill by its title read a second time and referred to the Committee on Judiciary.

Mr. Cavins of Otoe, introduced

H. F. No. 5, "A bill for an act regulating interest on money, and prescribing a penalty for taking illegal interest."

Read first time.

On motion.

Rule suspended and bill read second time by its title and referred to the Committee on Ways and Means.

Mr. Lockwood of Dakota, introduced

H. F. No. 6, "A bill for an act to abolish the office of Territorial School Commissioner."

Read first time.

On motion

Rule suspended and bill read second time by its title and referred to the Committee on Judiciary.

Mr. Hyde of Burt, introduced

H. F. No. 7, "A bill for an act to authorize D. L. Herrington and others to establish a ferry across the north fork of the Platte."

Read first time.

On motion.

Rule suspended and bill read second time by its title and referred to the Committee on Corporations.

Mr. Griffin of Douglas, introduced

H. F. No. 8, "A bill for an act to extend the time for the collection of taxes in the Territory of Nebraska."

Read first time.

On motion,

Rule suspended and the bill read a second time by its title.

Mr. Cowles of Otoe, moved to refer the bill to the Committee on Corporations.

Carried.

On leave the following notices of bills were given:

By Mr. Mullen of Cass,

Of a bill to authorize the Auditor of the Territory of Nebraska, to sell all of the cast iron left from the repairing of the Capitol building of said Territory.

By Mr. Chase of Cedar,

Of a bill to amend the game law.

Mr. Reed of Cass, introduced

H. F. No. 9, "A bill for an act for the assessing of property, real and personal."

Read first time.

On motion.

Rule suspended and bill read second time by its title, and referred to the Committee on Ways and Means.

Mr. Cleburne of Sarpy, offered the following:

"That to enable this house to exercise that strict supervision which is proper over the manner in which the public money of this Territory

is expended, and to guard against all improper applications of the Territorial funds."

Resolved, That the Committee on Accounts and Expenditures be ordered to report at an early day, an Appropriation Bill containing under the several distinct heads of Expenditures, the necessary money required for the public service of the Territory for the present fiscal year, and prohibiting the payment of any money, or the issuing of any warrants except for the object and to the extent specified in said Appropriation Bill.

Laid over under the Rules.

On leave,

Mr. Whaley of Platte, gave notice

Of a memorial for the organization of the Territory of Jefferson.

Mr. Davis of Cass, called up the resolution relative to the reference of the Governor's Message.

Mr. Cowles of Otoe moved to lay the resolution on the table.

Carried.

Mr. Davis of Cass, called up the resolution relative to procuring the mail matter by the Sergeant-at-Arms.

Question recurring upon the adoption of the resolution.

Carried.

Mr. Mathias of Otoe, moved, that a committee of three be appointed on the part of the House, to confer with a like committee on the part of the Council, to prepare joint Rules for the two Houses.

Carried.

Messrs. Mathias, Cleburne and Mullen were appointed said committee.

Mr. Davis of Cass, called up the resolution, relative to the admitting the Governor, Secretary and others, to a seat within the bar of the House.

On motion,

Adopted.

On motion of Mr. Davidson of Sarpy,

The House adjourned until 10 o'clock to-morrow morning.

GEO. L. SEYBOLT, Chief Clerk.

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HOUSE OF REPRESENTATIVES, }  
Friday, December 7th, 1860. }

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Rev. Mr. Shinn.

Journal read and approved.

Call of the House demanded.

Absent, Mr. Baker.

On motion,

Further proceedings under the call dispensed with.

The following notices of bills were given :

By Mr. Parker of Clay,

Of a bill to apportion the members of the Council and House of Representatives of the Territory of Nebraska.

By Mr. Beane of Nemaha,

Of a memorial and joint resolution asking of Congress a geological survey of Nebraska.

Also,

Of a memorial asking that the public school lands of this Territory be given in charge of the Legislative Assembly.

By Mr. Gilmour of Cass,

Of a bill to maintain and preserve the purity of elections.

By Mr. Hedde of Hall,

Of a memorial to Congress for the limitation of the Reservation belonging to Fort Kearney and a survey of the lands surrounding said Reservation.

By Mr. Millard of Douglas,

Of a bill to defray from the Territorial treasury the expenses of returning escaped criminals upon the requisition of the Governor.

By Mr. Hacker of Nemaha,

Of a bill asking for an appropriation to erect a bridge over the Little Nemaha river, at or near Nemaha City.

By Mr. Mullen of Cass,

Of a bill to incorporate the Chicago, Plattsmouth and Pike's Peak Express Company.

By Mr. Fisher of Nemaha,

Of a bill to define the jurisdiction of probate courts.

Also,

Of a bill to amend the revenue law.

Also,

Of a bill to provide for the punishment of setting fire to prairies.

Mr. Parker of Clay, moved that a committee of two be appointed to wait upon the U. S. Marshal and request him to furnish this House with a copy of the census returns of 1860.

Carried.

Messrs. Parker and Cotterell were appointed said committee.

Mr. Lockwood of Dakota, gave notice

Of a bill to abolish the office of district attorney and create the office of county prosecuting attorney.

By Mr. Davis of Cass,



Of a bill to authorize J. S. Carr to erect and keep a mill dam across the Weeping Water.

By Mr. Cleburne of Sarpy, gave notice of the following to be added as one of the Standing Rules of the House:

“ That every bill of a public nature, shall, after its second reading and commitment be printed without a special order of the House.”

By Mr. Millard of Douglas,

Of a bill to change the time for the meeting of the Legislature to the first Monday in January of each year.

By Mr. Barnum of Cass,

Of a bill regulating the toll of millers.

Mr. Downs of Otoe, offered the following:

Resolved, That a committee be appointed to wait upon the Secretary and request him to furnish (if in his power so to do), a clock for this House.

On motion of Mr. Cowles of Otoe,  
Rule suspended and resolution adopted.

On motion of Mr. Cleburne of Sarpy,

The resolution relative to an appropriation bill for the necessary moneys required for public service of the Territory, was taken up.

Mr. Reddick of Douglas, moved to amend by inserting “ Ways and Means,” in place of “ Accounts and Expenditures.”

Mr. Mathias of Otoe, moved to amend by inserting “ ensuing ” in place of “ present.”

Carried.

On motion,  
Resolution as amended, adopted.

Mr. Mathias of Otoe, introduced

H. F. No. 11, “ A bill for an act amendatory of the election law.”

Read first time.

On motion of Mr. Cowles of Otoe,

Rule suspended, and the bill read a second time by its title, and referred to the Committee on Privileges and Elections.

Mr. Barrett of Dixon, introduced

H. F. No. 12, “ A bill for an act to amend the act to license and regulate the sale of malt, spiritous and vinous liquors in the Territory of Nebraska.”

Read first time.

On motion of Mr. Cowles of Otoe,

Rules suspended, and bill read a second time by its title, and referred to the Committee on Agriculture.

Mr. Mathias moved that two hundred copies of the bill be printed for the use of the House.

Lost.

Mr. Lockwood of Dakota moved that fifty copies be ordered printed.

Lost.

Friday, December 7th, 1860.

Mr. Cavins of Otoe, introduced

H. F. No. 13, "A bill for an act concerning occupying claimants."

Read first time.

On motion,

Rules suspended, and bill read a second time by its title, and referred to the Committee on the Judiciary.

Mr. Acton of Richardson, introduced

H. F. No. 14, "A bill to dissolve the bonds of matrimony between Jennie Higgins and James Higgins."

Read first time.

Mr. Reddick of Douglas moved to suspend the rules and read the bill a second time.

Ayes and nays demanded.

Ayes—Messrs. Acton, Cavius, Clark, Cleburne, Downs, Gates, Grebe, Griffin, Hedde, Hyde, Lowe, Millard, Porter, Reddick, Sibley and Tisdell.—16.

Nays—Messrs. Barnum, Beane, Coleman, Cotterell, Davidson, Gilmour, Hacker, Lockwood, Mathias, Mead, Parker, Read, Sollenberger and Whaley.—14.

Two thirds not voting in the affirmative, the motion was  
Lost.

Mr. Mathias of Otoe, moved that the bill be rejected.

Ayes and nays demanded.

Ayes—Messrs. Barnum, Barrett, Cavins, Coleman, Cotterell, Cowles, Davidson, Downs, Fisher, Fowler, Gilmour, Hyde, Lockwood, Lowe, Mathias, Mead, Mullen, Parker, Reed, Sibley, Sollenberger and Whaley.—22.

Nays—Messrs. Acton, Beane, Clark, Cleburne, Davis, Gates, Grebe, Griffin, Hacker, Hedde, Millard, Porter, Reddick and Tisdell.—14.

Carried.

On leave,

Mr. Cowles introduced the following resolution, which was laid over under the rules.

Resolved, That this House will not after this day entertain any bills for Divorce.

Mr. Mellen of Cass, offered the following:

Resolved, That no bill be printed until after it has been referred to the proper committee.

Mr. Cleburne of Sarpy, moved, to amend by inserting "until after its second reading."

Lost.

Mr. Clark of Douglas, moved to lay the resolution on the table.

Carried.

Mr. Hyde of Burt, introduced

H. F. No. 15, "A bill for an act to establish a ferry across the Missouri river in Burt county."

Read first time.

On motion,

Rules suspended and bill read a second time by its title, and referred to the Committee on Corporations.

Mr. Mullen of Cass, introduced

H. F. No. 16, "A bill for an act to authorize the sale of the cast iron of the Territory of Nebraska."

Read first time.

On motion,

Rules suspended and bill read second time by title, and referred to the Committee on Public Buildings and Grounds.

Mr. Chase of Cedar, introduced

H. F. No. 17, "A bill for an act to locate a Territorial Road from St. James in Cedar county to Columbus in Platte county."

Read first time.

On motion,

Rules suspended and bill read second time by title, and referred to the Committee on Roads.

On motion of Mr. Davidson of Sarpy,

The resolution relative to the hour of the daily meeting of the House, was taken from the table,

On motion of Mr. Cleburne of Sarpy,

The resolution was adopted.

Mr. Lockwood, chairman of the Committee on Judiciary, made the following report:

Your committee to which was referred

H. F. No. 4, "An act to abolish the office of Master in Chancery in the Territory of Nebraska,"

Beg leave to report that they have had the same under consideration and recommend the following amendment to sec. 1: "Provided, That all business heretofore referred to Masters in Chancery, shall be by them completed and performed in the same manner as required of them before the passage of this act."

W. F. LOCKWOOD, Chairman.

JOHN I. REDDICK,

CHARLES WHALEY,

A. D. CAVINS.

On motion of Mr. Clark of Douglas,

Report adopted.

In pursuance of a resolution of the House,

The Speaker appointed Messrs. Parker and Cotterell a committee to wait upon the Hon. William E. Moore, U. S. Marshal, relative to the Census of 1860.

Friday, December 7th, 1860.

Mr. Lockwood of Dakota, introduced

H. F. No. 18, "A bill for an act to abolish the office of Territorial Librarian."

Read first time.

On motion,

The rules were suspended and the bill read a second time by its title, and referred to the Committee on Judiciary.

Mr. Mathias of Otoe, chairman of the Committee on Joint Rules, submitted the following report:

The Committee on Joint Rules respectfully report that they have conferred with the committee appointed on the part of the Council, and have agreed to recommend that the Joint Rules of the last Legislative Assembly be adopted.

On motion,

Report adopted.

Mr. Cleburne of Sarpy, moved that one hundred copies of the Rules of the House and Joint Rules of the two Houses, be printed for the use of the members.

Carried.

Mr. Davis of Cass, moved that

H. F. No. 4, "An act to abolish the office of Master in Chancery in the Territory of Nebraska be taken up.

Lost.

Mr. Reddick of Douglas, moved that one hundred copies of H. F. No. 4, be printed.

Carried.

Mr. Clark of Douglas, moved to go into Committee of the Whole, having under consideration H. F. No. 4.

Ruled out of order.

On motion of Mr. Cleburne of Sarpy,

The House took a recess until 2 o'clock P. M.

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*Afternoon Session—2 o'clock P. M.*

House met.

Speaker in the chair.

Call of the House demanded.

Absent—Messrs. Baker, Cleburne, Fisher, Lockwood, Millard and Mullen.

On motion leave of absence was granted to Mr. Baker for the day.

Mr. Davidson of Sarpy, moved that the Sergeant-at-Arms be dispatched after absentees.

Lost.

On motion of Mr. Cowles of Otoe.

All further proceedings under the call were dispensed with.

On leave,

Mr. Cowles of Otoe, gave notice

Of a bill to encourage the growing and protection of timber.

Mr. Davis of Cass, introduced

H. F. No. 19, "A bill for an act to authorize J. S. Carr, his associates, heirs, or assigns to keep a mill-dam across the south branch of Weeping Water river.

Read first time.

On motion of Mr. Cowles of Otoe,

Rules suspended, and bill read second time by title, and referred to the Committee on Corporations.

Mr. Acton of Richardson, introduced

H. F. No. 20, "A bill for an act to authorize Felix Kitch to keep a ferry across the Missouri river at Rulo."

Read first time.

On motion of Mr. Cowles of Otoe,

Rules suspended, and bill read second time by title, and referred to the Committee on Corporations.

Mr. Parker made the following report:

The committee appointed to wait upon the U. S. Marshal and request him to furnish this House with the Census returns for 1860, report:

That they have performed their duty and the census returns will be deposited in the Secretary's office this afternoon, where the members can have access thereto.

H. W. PARKER,

M. S. COTTERELL.

On motion of Mr. Cowles of Otoe,

Report accepted.

On motion of Mr. Lockwood of Dakota.

H. F. No. 4, "A bill for an act to abolish the office of Master in Chancery,"

Was taken up.

On motion,

Ordered engrossed for a third reading on Monday.

On leave,

Mr. Reddick of Douglas, gave notice of a bill for a bridge and ferry charter across the Loup Fork at Columbus.

Mr. Lockwood of Dakota, introduced

H. F. No. 21, "A bill for an act to incorporate the Missouri and Western Telegraph Company."

Read first time.

On motion of Mr. Clark of Douglas,

Rules suspended, and bill read second time by title and referred to the Committee on Corporations.

Mr. Acton of Richardson moved that one hundred copies of the bill be printed.

Lost.

On motion of Mr. Downs of Otoe,

The House adjourned until 10 o'clock to-morrow morning.

GEORGE L. SEYBOLT, Chief Clerk.

Monday, December 10th, 1860.

HOUSE OF REPRESENTATIVES,  
Monday, December 10th, 1860. }

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Journal read and approved.

The following notices of bills were given:

By Mr. Gilmour of Cass,

Of a bill for an act granting bounty on the manufacture of sugar from Sorghum.

By Mr. Sollenberger of Otoe,

Of a bill providing for the election of supervisors in their respective precincts; also, prescribing their duties.

Also,

A bill for limitations in civil cases.

By Mr. Cowles of Otoe,

Of a bill to amend the seventh section of an act entitled "An act to exempt the homestead and certain articles of personal property from forced sale on execution," approved January 12th, 1860."

By Mr. Lowe of Douglas,

Of a bill for an act to amend "An act for locating, opening, repairing and changing county roads," approved October 29th, 1858.

By Mr. Fisher of Nemaha,

Of a bill to regulate the fees of county officers.

By Mr. Porter of Richardson,

Of a bill for an act to prevent swine and sheep from running at large in Richardson county.

By Mr. Fowler of Pawnee.

Of a bill for an act, to amend an act, entitled "An act to incorporate the town of Pawnee city," approved November 4th, 1860.

Mr. Parker made the following report :

Your Committee on Engrossed and Enrolled Bills, report

H. F. No. 4, "A bill for an act to repeal an act for the appointment of Masters in Chancery,"

As correctly engrossed.

H. W. PARKER, Chairman.  
S. P. SIBLEY.

Mr. Matthias of Otoe, offered the following :

Resolved, That the Speaker be and is hereby authorized to appoint a committee of two on the part of the House, to act with a like committee on the part of the Council, to procure the translation and superintend the printing of the Governor's Message in the German language.

On motion,

Rules suspended and resolution

Adopted.

The following notices were continued:

By Mr. Cleburne of Sarpy,

Of a bill to authorize G. H. Truman, his associates and assigns, to keep a ferry across the Platte and Elkhorn rivers in Sarpy county.

By Mr. Coleman of Dakota,

Of a joint resolution and memorial for the establishment of a tri-weekly mail route, from Dakota city to Fort Randal.

Mr. Gilmour of Cass, introduced

H. F. No. 22, "A bill for an act for the location of the county seat of Cass county by a vote of the people."

Read first time.

On motion,

Rules suspended, and bill read second time by title, and referred to the Committee on County Boundaries and Seats.

Mr. Acton of Richardson, introduced

H. F. No. 23, "A bill for an act to amend an act respecting juries."

Read first time.

On motion,

Rules suspended and bill read second time by title, and referred to the Committee on Judiciary.

Mr. Mullen of Cass, introduced

H. F. No. 24, "A memorial and joint resolution praying Congress for a Geological survey."

Read first time.

On motion,

Rules suspended, bill read second time by title, and referred to the Committee on Federal Relations.

Mr. Reddick of Douglas, introduced

H. F. No. 25, "A bill for an act authorizing suits upon written instruments to be brought in the name by which the same were executed."

Read first time.

On motion,

Rules suspended, and the bill read second time by title, and referred to the Committee on Judiciary.

Mr. Griffin of Douglas, introduced

H. F. No. 26, "A bill for an act to encourage the cultivation of fruit, forest and ornamental trees."

Read first time.

On motion,

Rules suspended, and the bill read second time by title, and referred to the Committee on Agriculture.

Mr. Cowles of Otoe, introduced

H. F. No. 27, "A bill for an act to encourage the cultivation of timber."

Read first time.

On motion.

Rules suspended, and the bill read second time by title, and referred to the Committee on Agriculture.

Mr. Cleburne of Sarpy, introduced

H. F. No. 28, "A bill for an act relative to attachments, judgments and decrees, in the case of official bonds to the territory of Nebraska, or any county thereof."

Read first time.

On motion,

Rules suspended, and the bill read second time by title, and referred to the Committee on Judiciary.

Also,

H. F. No. 9, "A bill for an act to exempt a certain amount of personal property from taxation and regulate the manner of assessing real estate."

Read first time.

On motion,

Rules suspended, and bill read second time by title, and referred to the Committee on Ways and Means.

The following notices of bills were given:

By Mr. Acton of Richardson,

Of a bill to exempt all improvement on land not amounting to over one thousand dollars from taxation.

By Mr. Mullen of Cass,

Of a memorial and joint resolution asking of Congress a tri-weekly mail from Plattsmouth to Fort Kearney in Nebraska Territory.

By Mr. Barrett of Dixon,

Of a bill for an appropriation to build a bridge across Badger creek in Dixon county.

Mr. Beane of Nemaha, introduced

H. F. No. 30, "A memorial and joint resolution relative to the school lands of Nebraska."

Read first time.

On motion,

Rules suspended, and bill read second time by title, and referred to the Committee on Common Schools.

Mr. Lockwood of Dakota, introduced the following resolution which was adopted:

Resolved, That the Territorial Auditor be required to report to this House forthwith the amount of all bonds and warrants issued by him, and since the establishment of said office, stating separately to whom the same were issued, and the amount to each, and for what purpose.

Mr. Davis of Cass, introduced

H. F. No. 31, "A bill for an act regulating elections in the Territory of Nebraska."

Read first time.

On motion,



Rules suspended and the bill read second time by title and referred to the Committee on Privileges and Elections.

Mr. Matthias of Otoe, gave notice

Of a memorial and joint resolution praying for a daily mail route from Ottumwa, Iowa, to Nebraska City, and from Nebraska City to Fort Kearney.

Mr. Cleburne of Sarpy introduced

H. F. No. 32, "A bill for an act relative to money of account and interest."

Read first time.

On motion,

Rules suspended, and the bill read second time by title, and referred to the Committee on Judiciary.

Mr. Mullen of Cass, introduced

H. F. No. 33, "A bill for an act to locate and establish a territorial road from Plattsmouth to Fort Kearney, Nebraska Territory."

Read first time.

On motion,

Rules suspended, and bill read second time by title, and referred to the Committee on Roads.

Mr. Whaley of Platte, introduced

H. F. No. 34, "A memorial and joint resolution relative to the organization of the Territory of Jefferson."

Read first time.

On motion,

Rules suspended and memorial read second time by title and referred to the Committee on Federal Relations.

Mr. Beane of Nemaha, gave notice

Of a bill supplementary to an act entitled "An act to amend an act for locating, opening, repairing and changing county roads," approved October 28th, 1858.

The Speaker appointed Messrs. Hedde and Grebe a Committee on the part of the House to superintend the translation of the Governor's Message into the German language.

Mr. Lockwood of Dakota made the following report:

The Committee on Judiciary to which was referred

H. F. No. 3, "A bill for an act to prohibit slavery or involuntary servitude,"

Have had the same under consideration, and beg leave to report it back to the House and recommend its passage without amendment.

WILLIAM F. LOCKWOOD, Chairman.

CHARLES H. WHALEY,

A. G. CAVINS,

JOHN I. REDDICK.

On motion

Report adopted.

Mr. Beane of Nemaha, made the following report:

Monday, December 10th, 1860.

The Committee on Public Buildings to which was referred  
H. F. No. 16, "A bill to authorize the sale of the Cast Iron of the  
Territory of Nebraska,"

Having had the same under consideration would respectfully report  
the bill back to the favorable acceptance of the House with the follow-  
ing amendment (the same being added at the close of section 6):

"At such time and in such manner as he may think best calculated  
to subserve the interests of the Territory," and recommend its passage  
as amended.

GEORGE BEANE, Chairman,  
F. A. TISDEL,  
J. I. REDDICK,  
E. W. BARNUM,  
FREDERICK HEDDE.

On motion,  
Report adopted.

Mr. Lockwood of Dakota, made the following report:

The Committee on Judiciary to which was referred  
H. F. No. 2, "A bill for an act regulating the fees and salaries of  
certain officers."

Having had the same under consideration beg leave to report the same  
back to the House with certain amendments, and recommend its passage  
as amended.

W. F. LOCKWOOD, Chairman.  
A. G. CAVINS,  
J. I. REDDICK,  
CHAS. H. WHALEY,  
A. M. ACTON.

On motion,  
Report adopted.

On motion,  
The bill was ordered printed for a third reading on Wednesday.  
H. F. No. 4, "A bill to abolish the office of Master in Chancery."  
Was taken up, and

On motion of Mr. Reddick of Douglas,  
Recommitted to the Committee on Engrossed and Enrolled Bills for  
correction.

Mr. Hyde of Burt, gave notice  
Of a bill to abolish the distinction between Law and Chancery prac-  
tice.

On motion of Mr. Cleburne of Sarpy,  
The resolution relative to the printing of all bills of a public nature  
was taken up.

On motion,  
The resolution was amended so as to read as follows:

Resolved, That every bill of a public nature shall after its second  
reading and reported back by the Committee be printed without a special  
order of the House.

On motion.

Resolution as amended adopted and ordered to be added as one of the Standing Rules of the House.

H. F. No. 3, "A bill for an act prohibiting slavery"

Was taken up.

Mr. Clark of Douglas, moved that the consideration of the bill be postponed until the first Tuesday of January, 1861.

Mr. Cleburne moved the previous question.

The question now was, "Shall the main question be now put?"

Ayes and nays demanded.

Ayes—Messrs. Acton, Clark, Cleburne, Downs, Gates, Grebe, Lowe, Millard, Hyde, Porter and Reddick.—11.

Nays—Messrs. Barnum, Barrett, Beane, Cavins, Chase, Coleman, Cotterell, Cowles, Davidson, Davis, Fisher, Fowler, Gilmour, Griffin, Hacker, Hedde, Lockwood, Mathias, Mullen, Parker, Reed, Sibley, Sollenberger, Tisdell and Whaley.—25.

Lost.

Mr. Mathias of Otsego, moved that the bill be read a third time and put upon its passage.

Carried.

Bill read third time.

Ayes and nays demanded upon the passage of the bill.

Ayes—Messrs. Barnum, Barrett, Beane, Cavins, Chase, Clark, Cleburne, Coleman, Cotterell, Cowles, Davidson, Davis, Downs, Fisher, Fowler, Gates, Gilmour, Grebe, Griffin, Hacker, Hedde, Hyde, Lockwood, Lowe, Mathias, Mead, Millard, Mullen, Parker, Reddick, Read, Sibley, Sollenberger, Tisdell and Whaley.—35.

Nays—Messrs. Acton and Porter.—2.

Bill passed.

On motion title agreed to.

Mr. Acton of Richardson, submitted a protest and asked that it be spread at large upon the journal.

Mr. Clark of Douglas, moved that the protest be placed upon the journal.

Mr. Cleburne of Sarpy, moved to lay that motion on the table.

Carried.

Mr. Gilmour of Cass, introduced the following:

Resolved, That there be added to the Standing Rules, "Rule 29, No speaker shall exceed thirty minutes on a main question, nor more than ten minutes upon a subsidiary one, except by general consent or by a vote of the House."

Mr. Acton of Richardson, moved that the rules be suspended and the resolution acted upon now.

Carried.

Tuesday, December 11th, 1860.

On motion of Mr. Clark of Douglas,  
The resolution was indefinitely postponed.  
Mr. Parker of Clay made the following report:

The Committee on Engrossed and Enrolled Bills ask leave to report,  
H. F. No. 4, "A bill for an act to repeal an act for the appointment  
of masters in Chancery."  
As correctly engrossed. H. W. PARKER, Chairman.

Mr. Lockwood of Dakota, moved that the bill be now read a third  
time and put upon its passage.

Carried.

Bill read third time.

On motion,

Passed and title agreed to.

Mr. Davis of Cass, moved that the Speaker appoint a chairman of the  
Committee on Privileges and Elections, in place of Mr. Baker, who is  
prevented from attending on account of sickness.

Pending which,

The House on motion adjourned.

GEO. L. SEYBOLT, Chief Clerk.

HOUSE OF REPRESENTATIVES,  
Tuesday, December 11th, 1860. }

House met at 10 o'clock A. M. pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Davidson of Sarpy, offered the following:

Resolved, That the Chief Clerk shall employ an Enrolling Clerk when  
the service of such clerk is required.

Laid over under the rules.

The following notices of bills were given:

Mr. Sollenberger of Otoe,

Of a bill to license the vending of foreign merchandise, exhibitions,  
caravans, menageries, circuses, rope and wire wancing, puppet shows  
and legerdemain.

Mr. Mullen of Cass,

Of a Memorial and Joint Resolution, asking Congress for an appro-  
priation to bridge Platte River at or near the mouth of said river.

Mr. Hyde of Burt,

Of a bill for an act to confirm the title of Thomas Martin and I.  
N. Cornell to certain real estate in the city of Omaha.]

Mr. Lowe of Douglas,

Of a bill for an act authorizing the county commissioners offer a bounty for the encouragement of mining for coal.

Mr. Hacker of Nemaha,

Of a Memorial and Joint Resolution relative to a mail route from Nemaha City in Nemaha county, to Blue Springs in Gage county.

Mr. Fowler of Pawnee,

Of a bill to repeal section 7 of "An Act entitled an act to exempt the Homestead and certain articles of personal property from forced sale on execution.

Mr. Clark of Douglas moved that the Committee on Agriculture be instructed to report at an early day all matters before them calculated to advance the agricultural interest of this Territory.

Carried.

Mr. Millard of Douglas, gave notice

Of a bill reducing the road tax to one dollar, or one day's work per quarter section of land.

Mr. Clark of Douglas, introduced

H. F. No. 35, "A bill for an act to incorporate Hook and Ladder Company No. 1" of Omaha.

Read first time.

Rules suspended.

The bill by its title read a second time and referred to the Committee on Corporations.

Mr. Griffin of Douglas, gave notice

Of a bill to equalize the assessment and levying of taxes on real estate in the Territory of Nebraska.

Mr. Mullen of Cass, introduced

H. F. No. 36, "Memorial and resolution asking Congress to establish a tri-weekly mail route from Plattsmouth, in Cass county, Nebraska Territory to Fort Kearney, in said Territory."

Read the first time.

Rules suspended.

Read by its title a second time and referred to the Committee on Federal Relations.

Mr. Cleburne of Sarpy, introduced

H. F. No. 37, "A bill for an act to establish a ferry across the Platte and Elkhorn rivers, in Sarpy county."

Read the first time.

On motion,

Rules suspended, read a second time by its title and referred to the Committee on Corporations.

Mr. Reddick of Douglas introduced

H. F. No. 38, "A bill to incorporate the Loup Fork Bridge and Ferry Company."

Read first time.

On motion,

Rules suspended, read second time by title, and referred to Committee on Corporations.

The following notices of bills were given:

Tuesday, December 11th, 1860.

Mr. Grebe of Douglas,

Of a bill for an act to amend an act entitled "An act of real estate and the alienation thereof by deed," approved January 26th, 1856.

Also,

Of a bill to locate a territorial road from Rockport, in Washington county, to Elkhorn, in Douglas county, along the line between said counties.

Mr. Matthias of Otoe, asked the unanimous consent of the House to introduce

H. F. No. 39, "A bill for an act to define the powers of County Commissioners and County Clerks."

Consent given.

Read first time, and

On motion,

Rules suspended, read second time by its title, and referred to the Committee on Judiciary.

Mr. Clark of Douglas moved that the Committee on Education be instructed to report, at an early day upon all matters connected with the educational interests of the Territory, and whether, in their opinion, any change is necessary in the law to render more perfect the general school system.

Carried.

Mr. Acton of Richardson, moved that the Committee on Mines and Minerals be required to report at an early day all information in their possession relating to Mines and Minerals.

Carried.

Mr. Grebe of Douglas, offered the following:

Resolved, That the Sergeant-at-Arms be ordered to procure of the Secretary of the Territory four maps of the Territory: one for the use of the Committee on Roads; one for the Committee on County Boundaries and Seats; one for the Committee on Corporations, and one for the Committee on Internal Improvements.

Mr. Cleburne of Sarpy moved that the rules be suspended and the resolution taken up.

Carried.

On motion,

The resolution was adopted.

Mr. Hyde of Burt, moved that a committee of two be appointed to wait upon the Secretary relative to such requests as have been made by the House.

Carried.

The Speaker appointed Messrs. Hyde and Cleburne such committee.

Mr. Beane of Nemaha, introduced

H. F. No. 40, "A bill for an act supplemental to an 'Act to amend an act for locating, opening, repairing and changing county roads,' " approved October 28th, 1858.

Read first time.

On motion,

Rules suspended, read second time by its title and referred to Committee on Roads.

Mr. Chase of Cedar, introduced

H. F. No. 41, "A bill for an act to amend the game law."

Read the first time.

Mr. Clark of Douglas, moved that the bill be laid upon the table.

Lost.

On motion,

Rules suspended, read second time by its title and referred to Committee on Agriculture.

Mr. Barrett of Dixon, chairman of the Committee on Roads, submitted the following report:

*Mr. Speaker:*

Your committee to whom was referred

H. F. No. 33, "A bill for an act to locate and establish a Territorial road from Plattsmouth to Fort Kearney, Nebraska Territory, report the same back without amendment and recommend its passage.

JAMES BARRETT, Chairman.

Mr. Cowles of Otoe, introduced

H. F. No. 42, "A bill for an act to amend 'An act to exempt homesteads and certain articles of personal property from forced sale on execution.'"

Read the first time and

On motion,

Rules suspended, read second time by its title and referred to Committee on Judiciary.

Mr. Fisher of Nemaha, introduced

H. F. No. 43, "A bill for an act to amend the criminal code."

Read the first time and

On motion,

Rules suspended, read second time by its title and referred to Committee on Judiciary.

Mr. Cleburne of Sarpy, moved that

H. F. No. 16, "A bill for an act to sell the cast iron of the Territory of Nebraska,"

Be engrossed for a third reading on to-morrow.

Carried.

Mr. Cleburne of Sarpy, offered the following:

Resolved, That the Territorial Treasurer be requested to furnish this House with a statement of the amount of Territorial tax assessed to each of the several counties of this Territory, with the amount of the same severally paid by each, stating the amount of school tax under a distinct head.

Mr. Gilmour of Cass, moved to amend by inserting "since its organization."

Tuesday, December 11th, 1860.

Carried.

On motion,

The resolution as amended was adopted.

Mr. Cleburne of Sarpy, moved to reconsider the vote on the adoption of the resolution.

Carried.

Mr. Cleburne of Sarpy, moved to amend the resolution so as to read as follows:

Resolved, That the Territorial Treasurer and Auditor be required to furnish this House with

1st, A distinct statement of the amount of Territorial tax assessed to each of the several counties since its organization, year by year.

2d, A statement of the amount paid in from each.

3d, The amount, if any, refunded to the counties.

4th, The amount of school tax paid in by each county.

5th, "The amount of school moneys apportioned or paid over to each county.

Amendment adopted.

On motion,

The resolution as amended was adopted.

Mr. Clark of Douglas, on leave introduced

H. F. No. 44, "A bill for an act to amend an act, entitled 'An act to provide for the valuation and assessment of the real and personal property, and for the levying and collection of taxes in the Territory of Nebraska.'"

Read the first time and

On motion,

Rules suspended, read second time by its title and referred to Committee on Ways and Means.

Mr. Fisher of Nemaha, moved that Mr. Baker be excused from serving on the Committee on Privileges and Elections, on account of sickness.

Carried.

The Speaker appointed Mr. Cotterell as a member in his stead.

Mr. Mathias of Otoe, on leave introduced

H. F. No. 45, "A memorial and joint resolution relative to certain mail routes."

Read first time, and

On motion

Rules suspended, read second time by its title and referred to Committee on Federal Relations.

Mr. Clark of Douglas, moved that a special committee of three be appointed to examine the books of the Territorial Treasurer, to make settlement with him and cancel the warrants he may have on hand.

Carried.

Mr. Lockwood of Dakota, on leave introduced,

A joint resolution, relative to the collating of the laws of the territory now in force.



On motion,

The rules were suspended and the resolution

Adopted.

Mr. Sollenberger of Otoe, moved to adjourn until 10 o'clock to-morrow morning.

Carried.

GEORGE L. SEYBOLT, Chief Clerk.

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HOUSE OF REPRESENTATIVES, }  
Wednesday, December 12th, 1860. }

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Yesterday's journal read and approved.

Mr. Cavins of Otoe, asked leave of absence for to-day.

Leave granted.

Mr. Cleburne of Sarpy, moved a call of the House.

Absent—Mr. Baker.

On motion,

All further proceedings under the call were dispensed with.

Mr. Lockwood of Dakota, presented

A petition of Joseph Bramon and thirty others, praying for the passage of a memorial asking of Congress the establishment of a tri-weekly mail from Dakota city to Fort Randall.

Read, and referred to Committee on Federal Relations.

Mr. Acton of Richardson, offered a resolution embodying the protest offered by him on Monday last, desiring to have the same with the protest attached, placed upon the journal.

Mr. Cleburne of Sarpy, moved that it lay over under the rules.

Reading of the resolution called for.

Pending which,

Mr. Mathias of Otoe, moved that the reading be dispensed with.

Carried.

Mr. Lockwood of Dakota, moved that the rules be suspended, and the resolution rejected.

Carried.

Mr. Hacker of Nemaha, introduced

H. F. No. 46, "A memorial and joint resolution relative to a mail route from Nemaha city to Blue Springs in Gage county."

Read the first time, and

On motion,

Rules suspended, the bill read a second time by its title, and referred to the Committee on Federal Relations.

Mr. Cleburne of Sarpy, gave notice of the following bills:

Of a bill for an act to consolidate the offices of register of deeds and county clerk in Sarpy county.

Also,

Of a bill for an act to amend sec. 531 of the Code of Civil Procedure.

Mr. Grebe of Douglas, introduced

H. F. No. 47, "A joint resolution relative to a homestead."

Read the first time, and

On motion,

Rules suspended, the resolution read a second time by its title, and referred to the Committee on Federal Relations.

Mr. Grebe of Douglas, introduced

H. F. No. 48, "A bill for an act concerning the acknowledgment of conveyances of real estate."

Read the first time, and

On motion of Mr. Cleburne of Sarpy,

Rules suspended, the bill read second time by its title and referred to Committee on Judiciary.

Mr. Hyde of Burt, introduced

H. F. No. 49, "A bill for an act to confirm the title of Thomas Martin and J. N. Cornell to certain real estate in the city of Omaha."

Read the first time, and

On motion,

Rules suspended,

The bill read a second time by its title and referred to the Committee on Judiciary.

Mr. Davidson of Sarpy, introduced

H. F. No. 50, "A bill for an act to create the office of Precinct Assessor."

Read the first time, and

On motion,

Rules suspended, the bill read a second time by its title and referred to the Committee on Ways and Means.

Mr. Parker, from Committee on Engrossed and Enrolled Bills, submitted the following report:

*Mr. Speaker:*

The Committee on Engrossed and Enrolled bills, report, that

H. F. No. 33, "A bill for an act to locate and establish a Territorial road from Plattsmouth to Fort Kearney, Nebraska Territory,"

As correctly engrossed.

H. W. PARKER, Chairman.

Mr. Hyde of Burt, from a Special Committee to wait upon the Secretary relative to certain maps, submitted the following report:

*Mr. Speaker:*

The undersigned Special Committee, appointed to confer with the Secretary in relation to furnishing a clock and fire-screen for the use of the hall, and certain maps for the use of the various committees, beg leave to report:

That they have performed that duty and are informed that the clock and fire-screen will be immediately placed in this hall, and that it is impossible to furnish the maps required: but that at all times, the maps in the office of the Secretary will be open to the inspection of committees.

J. R. HYDE,

WM. CLEBURNE,

Special Committee.

On motion of Mr. Lowe of Douglas,

The report was accepted and the Committee discharged.

Mr. Lockwood of Dakota, from the Committee on Judiciary, submitted the following reports:

*Mr. Speaker:*

Your committee to whom was referred

H. F. No. 23, "A bill for an act to amend 'An act respecting juries,'"

Having had the same under consideration beg leave to report it back to the House with a recommendation that it do not pass.

WM. F. LOCKWOOD, Chairman.

And

Your committee to whom was referred

H. F. No. 43, "A bill for an act to amend the Criminal Code,"

Having had the same under consideration report the same back to the House and recommend that it do not pass.

WM. F. LOCKWOOD, Chairman.

And,

Your committee to whom was referred

H. F. No. 13, being a "A bill for an act concerning occupying claimants,"

Have had the same under consideration and beg leave to report it back to the House and recommend that it do pass without amendment.

WM. F. LOCKWOOD, Chairman.

And,

Your committee to whom was referred

H. F. No. 6, "A bill for an act to abolish the office of Territorial School Commissioner,"

Having had the same under consideration beg leave to report it back to the House with a recommendation that it pass.

WM. F. LOCKWOOD, Chairman.

The Committee on County Boundaries and Seats submitted the following report:

*Mr. Speaker:*

Your committee to whom was referred

H. F. No. 22, "A bill for an act to locate the county seat of Cass county, by a vote of the people."

Would respectfully report, that they have had the same under con-

sideration, and find, that from a resolution passed at the Republican Convention held at Eight mile grove, in said county, the members of the legislature from said county are instructed to favor the passage of such a bill, and believing as we do, that the people of said county desire the passage of such a bill, we therefore, most respectfully recommend the passage of the bill without amendment.

W. R. DAVIS,  
M. S. COTTERELL,  
GILES MEAD,  
HENRY GREBE,  
JACOB SOLLENBERGER, Committee.

Mr. Gilmour of Cass, moved, that the bill be engrossed and put upon its third reading.

Carried.

The Committee on Federal Relations submitted the following reports:

Your committee to whom was referred a memorial and joint resolution relative to the organization of Jefferson Territory, beg leave to report that they have had the same under consideration and report the same back with the recommendation that it do pass.

CHAS. H. WHALEY,  
ALFRED MATTHIAS,  
WM. GILMOUR,  
H. P. DOWNS,  
A. M. ACTON, Com.

And,

Your committee to whom was referred a joint resolution and memorial praying for an appropriation to defray the expenses of a Geological Survey, have considered the same, and send it back with the recommendation that it do pass.

CHAS. H. WHALEY,  
ALFRED MATTHIAS,  
A. M. ACTON,  
WM. GILMOUR,  
H. P. DOWNS, Com.

The Committee on Privileges and Elections submitted the following reports:

Your committee to whom was referred the petition of E. J. Davenport, claiming the seat in this body now occupied by A. M. Acton, the sitting member from Richardson county, have had the same under consideration and ask leave to make the following report:

The claimant alleges as the grounds upon which he claims the seat, that he was duly elected as a member of this House by the qualified electors of Richardson county at the election held October 9th, 1860, and received a certificate of election from the County Clerk of said county, and that A. M. Acton, the sitting member, is a resident upon the Half-

breed Reservation in Richardson county, and is therefore not eligible to a seat in this body, for the reason that said Reservation is, by the Organic Act, exempted from the judicial bounds of this territory.

To this the sitting member replies, by admitting that he lives in the town of Rulo on said Half-breed tract in Richardson county, but denies that said tract is a reservation, or without the judicial bounds of this Territory; he also denies that the County Clerk of Richardson county ever issued a certificate of election to the said E. J. Davenport.

The case involves a serious question of law, and as your Committee desire an impartial investigation of the case by the House, they ask leave to report the case with all the papers therein, back to the House without recommendation, for such action as the House may deem proper.

WM. R. DAVIS,  
J. R. HYDE,  
M. H. CLARK,  
WM. F. LOCKWOOD,  
M. S. COTTERELL, Com.

On motion,

Report accepted and adopted.

The Committee on Privileges and Elections submitted the following report:

A majority of your committee to whom was referred the petition of J. E. Johnson, claiming a seat in this body as the member elect from the representative district composed of Hall and Monroe counties, have had the same under consideration, and have instructed me to report that from the facts before them, the sitting member is entitled to his seat in this body.

WM. R. DAVIS,  
WM. F. LOCKWOOD,  
M. S. COTTERELL, Majority of Com.

Mr. Clark of Douglas, submitted the following report:

*Mr. Speaker:*

The minority of your Committee on Privileges and Elections to whom was referred the petition of Joseph E. Johnson, claiming the seat in this House now occupied by Frederick Hedde, as a member from the representative district composed of the counties of Hall and Buffalo, most respectfully submit the following report:

The minority of your committee dissent entirely from the opinion and recommendation of your Committee on Privileges and Elections as embodied in their report this day, and would most respectfully represent that the petition of J. E. Johnson alleges that there was no notice of the election given in Hall county. A certificate on file in the executive office of this Territory, which your committee have examined, in which the County Clerk of Hall county certifies over his official seal and signature as follows, goes to prove the truth of this allegation.

Wednesday, December 12th, 1860.

Grand Island City, N. T., October 27th, 1860.

"I hereby certify that the election held on the ninth day of October, 1860, was illegal, void and without form of law. That the judges of election were sworn in by irresponsible and interested parties, knowing that the election was all illegal. I refused to act in my official capacity, and have refused to canvass the returns, and have made no returns to the Territorial Board of Canvassers.

[L. s.]

(Signed)

WILLIAM N. HAGGE,  
County Clerk of Hall County.

In response to which allegation the sitting member files a paper purporting to be an original notice of such election, which is signed by Wm. N. Hagge, County Clerk of Hall county, accompanied by an affidavit, setting forth that Wm. N. Hagge was County Clerk, that his signature was genuine and that the notice had been posted *some time* previous to said election in the usual place for posting such notices.

The length of time that it had been so posted, according to law, is not alleged nor shown in proof by the sitting member. And, furthermore, such notice is not dated.

It also appears that there was but one County Commissioner in Hall county, and your committee are of the opinion that the county was thereby disorganized and the election could not have been called according to law.

It further appears from the evidence before your committee that judges of election and clerks, designated in the copy of the election notice furnished by the sitting member, did not appear at the place appointed for holding the election, and that the electors then and there present proceeded to elect judges of election, and that said judges of election, after being elected, proceeded to elect clerks, and that the judges and clerks of election so elected were sworn by Frederick Hedde, the sitting member, as probate judge for said county.

It also appears that Frederick Hedde, the sitting member, procured the returns of said election and transmitted them by the hands of Mr. DePuy, the Speaker of this House, to Wm. N. Hagge, in a sealed envelope, directed to "the County Clerk," together with a request that he would canvass the same. Mr. Hagge refused to comply with the request, and sent the same, by the hands of a boy to Mrs. Hedde, the wife of the sitting member. The sitting member then took the returns to Theodore Nagel, County Recorder—the same person who makes oath in the affidavit that Wm. N. Hagge is County Clerk of Hall county—and requested him to act as County Clerk and canvass the returns, which request of the sitting member was complied with, and the certificate issued by this Theodore Nagel to Frederick Hedde.

The law requires that the returns shall be in the possession of the County Clerk within three days after the election. Theodore Nagel assumes to act as County Clerk of Hall county. The election was held on the ninth day of October and the affidavit of Theodore Nagel, and also of one of the freeholders, who canvassed such returns with him, states that the returns were not placed in his hands until the fifteenth

day of October—some six days after the election. The canvass of the returns of Hall county was made on the 16th day of October, and that on the same day the person who assumes to act as County Clerk issues the certificate of election to Frederick Hedde, the sitting member, without giving time for the County Clerk of Buffalo county, an opportunity of returning the votes cast in his county or awaiting the result of a joint canvass (as provided by law) of the votes cast in the whole district.

Section 26 of Chapter 11 of the Session Laws of 1856, which remains unrepealed and in full force and effect, requires that the County Clerks of the several counties in a Representative District, shall proceed to canvass the votes given in their respective counties within twenty days after such election shall have been held, and shall award the certificate of election to the person having the highest number of votes.

The County Clerk of Hall county refused to canvass the votes for the reason, as he sets forth in his certificate on file in the Executive office, that he knew the election "to be illegal, void, and without form of law: the person who assumed to act as County Clerk did not give the necessary time as provided by law for the County Clerk of Buffalo county to go into a joint canvass of the votes; and the County Clerk of Buffalo county, as will be hereafter shown, repaired to the county seat of Hall county, and found no one to act as County Clerk and canvass the votes of the district with him.

There is no law authorizing the Recorder to canvass the votes or act as County Clerk, unless there be a vacancy in said office. That Frederick Hedde, the sitting member, received but 29 votes in said county of Hall and none outside of it. That in said county of Buffalo Joseph E. Johnson received 30 votes, which would be a majority of all the votes cast in the said district of Buffalo and Hall, admitting the votes cast in Hall county to be legal.

That the County Clerk of Buffalo county makes oath that he went to the county seat of Hall county and found no one claiming to be County Clerk of the county or willing to canvass such votes cast in the counties of Buffalo and Hall with him.

This is a synopsis of the evidence adduced before your committee, and for these reasons they deem that Frederick Hedde, the sitting member, occupies a seat upon this floor without any right thereto and recommend the passage of the following:

Resolved, That the seat occupied in this House by Frederick Hedde, as member of the district, composed of the counties of Hall and Buffalo, is hereby declared vacant, and that the same be awarded to Joseph E. Johnson as the legally elected representative from said representative district of Hall and Buffalo counties.

All of which is most respectfully submitted.

M. H. CLARK,  
JUDSON R. HYDE.

On motion of Mr. Davis of Cass,  
The contested case of Davenport vs. Acton was made the special order for Monday next at 2 o'clock.

The Committee on Agriculture submitted the following reports:

Your Committee to whom was referred

H. F. No. 12, "A bill for an act to license and regulate the sale of malt, spiritous and vinous liquors,"

Having had the same under consideration, beg leave to report the same back to the House, and the accompanying substitute, and recommend that said substitute do pass.

JOEL T. GRIFFIN,  
C. H. COWLES,  
WM. H. REED,  
THOMAS COLEMAN,  
AMOS GATES.

And

Your Committee to whom was referred

H. F. No. 26, "A bill for an act to encourage the cultivation of fruit, forest and ornamental trees."

Also.

H. F. No. 27, "A bill for an act to encourage the cultivation of timber, Have had the same under consideration, and report the following as a substitute, and recommend that it do pass."

All of which is respectfully submitted.

JOEL T. GRIFFIN,  
C. H. COWLES,  
WM. H. READ,  
THOS. COLEMAN and  
AMOS GATES,

Committee on Agriculture.

On motion of Mr. Reddick of Douglas,

The contested case of Hedde vs. Johnson was made a special order for Tuesday at 10 o'clock.

On motion of Mr. Lockwood of Dakota,

H. F. No. 2, "A bill for an act regulating the fees and salaries of certain officers,"

Was made a special order for to-morrow.

H. F. No. 16, "A bill for an act to authorize the sale of the cast iron of the Territory of Nebraska."

Taken up.

Mr. Cleburne of Sarpy, moved that the bill be recommitted to the Committee on Judiciary, with instructions to amend, by inserting after the word "building" the following words: "at public auction, of which he shall have given public notice, at such time, at such place, and in such manner as may best subserve the public interest."

Lost.

Mr. Reddick of Douglas, moved that the bill be referred to the Committee of the Whole.

Lost.

Read a third time,

Passed and title agreed to.

H. F. No. 23, "A bill for an act to amend an act entitled 'An act respecting juries,'"



**Taken up.**

**Mr. Clark of Douglas**, moved that the report of the Committee on Judiciary on said bill be adopted.

**Mr. Hyde of Burt**, moved that the bill be recommitted to the Committee on Judiciary.

**Carried.**

**H. F. No. 33**, "A bill to locate and establish a territorial road from Plattsmouth to Fort Kearney, Nebraska Territory,"

**Taken up.**

Ordered printed for a third reading on to-morrow.

**Mr. Davidson of Sarpy**, called up the resolution offered by him yesterday relative to the Chief Clerk employing an Engrossing Clerk.

Resolution adopted.

The Speaker appointed the following Committees.

To Examine the Books of the Territorial Treasurer, Messrs. Davidson, Tisdell, and Clark.

To Codify the Laws of the Territory, Messrs. Lockwood, Cavins and Reddick.

**Mr. Cleburne of Sarpy**, offered the following:

Resolved, That a committee of three be appointed to examine the accounts of the Auditor and report to the House the result of such examination.

On motion,

Rules suspended and resolution adopted.

**Mr. Parker**, from Committee on Engrossed and Enrolled Bills submitted the following:

Your Committee ask leave to report

**H. F. No. 22**, "A bill for an act for the location of the county seat of Cass county by a vote of the people,"

As correctly engrossed.

On motion of **Mr. Gilmour of Cass**,

The bill was put upon its passage.

Rules were suspended.

Bill read the third time by its title.

Passed and title agreed to.

On leave,

**Mr. Sibley of Otoe**, introduced

**H. F. No. 51**, "A bill for an act to amend the charter of Nebraska city."

Read first time, and

On motion,

Rules suspended, read second time by its title, and referred to the Committee on Judiciary.

On motion of **Mr. Davidson of Sarpy**.

The House adjourned.

**GEO. L. SEYBOLT**, Chief Clerk.

Thursday, December 13th, 1860.

HOUSE OF REPRESENTATIVES,  
Thursday, Dec. 13th, 1860. {

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Journal read and approved.

The Speaker appointed as a committee to examine the Auditor's accounts.

Messrs. Barnum, Fowler and Millard.

Mr. Cleburne of Sarpy, moved a call of the House.

Absent—Messrs. Cavins, Downs, Lockwood and Millard.

On motion of Mr. Mathias of Otoe,

All further proceedings under the call were dispensed with.

Mr. Clark of Douglas, moved that the Committee on Militia be instructed to report as soon as possible upon all matters before them, and also, to report all the papers connected with the expedition against the Pawnee Indians last summer.

Carried.

The following notices of bills were given:

By Mr. Lowe of Douglas,

Of a bill to legalize the acts of the Auditor and Treasurer.

By Mr. Tisdell of Richardson,

Of a bill for the location of a territorial road from Nemaha City, Nemaha county, to the intersection of the Territorial road from Rulo City to Pawnee City.

Mr. Barrett of Dixon made the following report:

The Committee on Roads, to which was referred

H. F. No. 17, "A bill for an act to locate a territorial road from St. James in Cedar County, to Columbus in Platte county,"

Having had the same under consideration, beg leave to report the accompanying substitute and recommend its passage.

JAMES BARRETT, Chairman.

Report accepted.

Mr. Gilmour of Cass, made the following report:

The Committee on Corporations, to which was referred

H. F. No. 9, "An act to incorporate a seminary to be located in Elkhorn City, Douglas county, N. T.,"

Respectfully recommend that the bill be amended by adding to section seventh, the following:

"Provided, the within named corporators, shall within one year from the passage of this act, commence in good faith the erection of a suitable

building for said seminary, and have expended thereon the sum of one thousand dollars; otherwise this act to be void."

WM. GILMOUR,  
JNO. I. REDDICK,  
FRED'K. HEDDE,  
S. P. SIBLEY,  
H. P. DOWNS.

Report accepted.

Mr. Gilmour of Cass, made the following report:

Your Committee on Corporations respectfully report that they have had under consideration H. F. No. 15, and recommend its passage with the following amendments:

Add to section 3, "If said company shall charge and receive from any person a greater sum of money than the rates herein prescribed; on conviction thereof they shall pay to the parties aggrieved, the sum of twenty dollars, and costs of suits, said ferry shall be in operation within one year from date, otherwise this charter shall be void."

Your committee have also had under consideration H. F. No. 19, and recommend its passage with the following amendment:

Add to section 3, "Provided, that nothing herein contained shall be so construed as to affect the rights of others."

All of which is respectfully submitted. WM. GILMOUR, Chairman,

JNO. I. REDDICK,  
FRED'K. HEDDE,  
S. P. SIBLEY,  
H. P. DOWNS.

Report accepted.

Mr. Gilmour of Cass, introduced

H. F. No. 52, "A bill for an act granting a bounty on sugar manufactured from sorghum or sugar cane."

Read first time.

On motion,

Rules suspended, and bill read second time by title, and referred to the Committee on Agriculture.

Mr. Downs of Otoe, introduced

H. F. No. 53, "A bill for an act to exempt a certain amount of property from forced sale on execution to pay debts."

Read first time.

On motion of Mr. Downs,

Rules suspended, and bill read second time by title, and referred to the Committee on Judiciary.

On leave,

Mr. Mullen of Cass, gave notice

Of a bill offering a bounty to any parties who will invest in manufacturing an amount equal to or exceeding ten thousand dollars.

Mr. Cleburne of Sarpy, introduced

H. F. No. 54, "A bill for an act to amend sec. 531, of the Code of Civil Procedure," approved Nov. 1st, 1858.

Read first time.

On motion of Mr. Reddick of Douglas,  
Rules suspended, and bill read second time by title, and referred to the Committee on Judiciary.

On motion of Mr. Reddick,

The House resolved itself into a Committee of the Whole having under consideration,

H. F. No. 2, "A bill regulating the fees and salaries of certain officers."

Mr. Davis of Cass in the Chair.

After remaining some time therein, the committee arose and reported progress, and asked leave to sit again.

On motion,

The House took a recess at 12½ o'clock M. until 2 o'clock P. M.

*Afternoon Session—2 o'clock P. M.*

House met.

Speaker in the chair.

On motion,

The House went into Committee of the Whole, to further consider

H. F. No. 2, "A bill to regulate the fees and salaries of certain officers."

Mr. Davis of Cass in the chair.

After remaining sometime therein the committee arose, and through the chairman reported that they had made some progress, and asked leave to sit again to-morrow at 11 o'clock A. M.

Leave granted.

On motion of Mr. Barrett of Dixon,

The House adjourned.

GEO. L. SEYBOLT, Chief Clerk.

HOUSE OF REPRESENTATIVES, }  
Friday, December 14th, 1860. }

House met at 10 o'clock A. M. pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Journal was read and approved.

Mr. Cleburne of Sarpy, on leave, introduced

H. F. No. 55, "A bill for an act to consolidate the office of Register of Deeds and County Clerk in Sarpy county."

Read first time.

Rules suspended, read a second time by its title and referred to a select committee of the members of Sarpy county."

Mr. Cleburne of Sarpy, on leave, introduced

H. F. No. 56, "A bill for an act to enable the Register of Deeds and County Clerk (Sarpy county) to appoint the other his deputy."

Read the first time.

Rules suspended, read a second time by its title, and referred to the Committee on Judiciary.

Mr. Lowe of Douglas, introduced

H. F. No. 57, "A bill for an act to legalize the business of the Territorial Auditor and Treasurer."

Read first time.

Rules suspended, read a second time and referred to the Committee on Judiciary.

Mr. Clark of Douglas, introduced

H. F. No. 58, "A bill for an act to provide for copying the Journals of the Council and House of Representatives of the seventh session of the Territorial Assembly of Nebraska."

Read first time.

On motion of Mr. Reddick of Douglas,

The rules were suspended, the bill was read a second time by its title and referred to the Committee on Libraries.

Mr. Lockwood of Dakota, introduced

H. F. No. 50, "A bill for an act to create the office of Prosecuting Attorney and to abolish the office of District Attorney."

Read the first time.

Rules suspended, read second time by its title, and referred to the Committee on Judiciary.

The following notices of bills were given:

By Mr. Reddick of Douglas,

Of a bill to provide for the funding of the indebtedness of Douglas county in the Territory of Nebraska.

By Mr. Coleman of Dakota,

Of a bill for a territorial road from Dakota City to Fort Kearney.

On motion of Mr. Downs of Otoe,

Mr. Reddick was excused for the day.

The following message was received from the Council:

COUNCIL CHAMBER,  
December 12th, 1860. }

*Mr. Speaker:*

I am instructed to inform your honorable body that the Council have passed

C. F. No. 19, "A memorial and joint resolution relative to a mail route,"

And,

C. F. No. 12, "A bill for an act to vacate the town of Archer in Richardson county,"

And,

C. F. No. 11, "A bill for an act to authorize the erection of a mill dam across the Great Nemaha river in Richardson county,

Friday, December 14th, 1860.

And your concurrence therein is respectfully requested.

E. P. BREWSTER, Chief Clerk.

Mr. Parker of Clay, introduced

H. F. No. 60, "A bill for an act to apportion the members of the House of Representatives of the Territory of Nebraska."

Read the first time.

The rules were suspended, read a second time by its title, and

On motion of Mr. Lockwood of Dakota,

Referred to the Committee on Judiciary.

Mr. Griffin of Douglas, moved that the Clerk be instructed to procure one hundred copies of all bills that are printed for the use of the House.

Carried.

Mr. Mullen of Cass, introduced the following resolution:

Resolved, That the Committee on Ways and Means, having under consideration the bill regulating the revenue of the Territory of Nebraska, be, by this House, instructed to consider the propriety of providing for the exempting from taxation, for a term of five years, the capital employed in manufacturing in this Territory, when said capital shall amount to or exceed ten thousand dollars, and moved that the rules be suspended, and the resolution acted upon now.

Lost.

Mr. Cavins, chairman of the Committee on Ways and Means, reported back,

H. F. No. 44, "A bill for an act to amend an act entitled "An act to provide for the valuation and assessment of the real and personal property, and for the levying and collection of taxes in the Territory of Nebraska,""

With sundry amendments.

Also,

H. F. No. 8, "A bill for an act to extend the time for the collection of taxes in the Territory of Nebraska."

With accompanying substitute, and recommend that said substitute be incorporated in H. F. No. 44, after section 30 of said bill, and recommend its passage as amended.

Mr. Cavins of Otoe, Chairman of the Committee on Ways and Means, submitted the following report:

*Mr. Speaker :*

Your committee, to whom was referred

H. F. No. 50, being "A bill for an act to create the office of Precinct Assessor,"

Have had the same under consideration, and beg leave to report the same back to the House, with the recommendation that the same do pass.

A. G. CAVINS,  
C. H. WHALEY,  
H. P. DOWNS,

Committee of Ways and Means.

On motion of Mr. Clark of Douglas,  
The report was adopted.  
Mr. Cavins of Otoe, chairman of the Committee on Ways and Means,  
submitted the following report:

*Mr. Speaker:*

The Committee to whom was referred  
H. F. No. 10, being "A bill for the assessment of property, real and  
personal,"

Report the same back to the House without recommendation.

A. G. CAVINS,  
C. H. WHALEY,  
J. I. REDDICK,

Committee on Ways and Means.

On motion of Mr. Clark of Douglas,  
The report was adopted.  
Mr. Cavins of Otoe, chairman of the Committee on Ways and Means,  
submitted the following report:

*Mr. Speaker:*

The committee to whom was referred

H. F. No. 29, "An act to except a certain amount of personal property  
from taxation, and regulate the manner of assessing real estate,"

Having had the same under consideration, beg leave to report that  
they deem it inexpedient to exempt from taxation and greater amount  
of personal property than is now exempt from taxation; they also state  
that they are of opinion, that improvements on lands solely used for the  
purpose of agriculture, amounting to \$300, should not be assessed by  
the assessor; all of which is submitted to the House, together with said  
bill without further recommendation.

A. G. CAVINS,  
CHAS. H. WHALEY,  
H. P. DOWNS,  
JOHN I. REDDICK,

Committee on Ways and Means.

On motion,  
Report was adopted.  
C. B. No. 11, "A bill for an act to authorize the erection of a mill-  
dam across the Great Nemaha river in Richardson county,"

Taken up,

Read first time, and

On motion of Mr. Mathias of Otoe,

The rules suspended, bill read second time by its title and referred to  
the Committee on Corporations.

C. B. No. 12, "A bill for an act to the vacate the town of Archer,"

Taken up,

Read first time, and

On motion of Mr. Mathias of Otoe,

Friday, December 14th, 1860.

Rules were suspended, bill read second time by its title and referred to the Committee on Judiciary.

C. B. No. 19, "Memorial and Joint Resolution relative to a mail route,"

Taken up,

Read first time, and

On motion,

Rules suspended, read second time by its title and referred to the Committee on Federal Relations.

On motion of Mr. Millard of Douglas;

The House resolved itself into Committee of the Whole, having under consideration

H. F. No. 2, "A bill for an act regulating the fees and salaries of certain officers."

The House having resumed business,

Mr. Davis of Cass, chairman of the Committee of the Whole, submitted the following report:

*Mr. Speaker :*

Your committee to whom was referred

H. F. No. 2, "A bill for an act to regulate the fees and salaries of certain officers,"

Have made certain amendments thereto, and recommended its passage as amended. WM. R. DAVIS, Chairman.

On motion of Mr. Clark of Douglas,

The report was accepted and adopted.

Mr. Lockwood of Dakota, moved to take up the bill with the amendments recommended by the committee.

Mr. Mathias of Otoe, moved a reconsideration of the vote upon the adoption of the report.

Mr. Cleburne of Sarpy, moved to adjourn.

Lost.

The question occurring on the motion of Mr. Mathias to reconsider, it was

Carried.

The ayes and nays were demanded, with the following result:

Ayes—Messrs. Cavins, Cleburne, Cotterell, Davidson, Fowler, Gilmour, Grebe, Griffin, Mead, Mathias, Millard, Reed and Whaley.—13.

Nays—Messrs. Barnum, Barrett, Chase, Clark, Coleman, Cowles, Downs, Fisher, Gates, Hacker, Lockwood, Lowe, Mead, Mullen, Parker, Porter, Reddick, Sibley, Sollenberger, Tisdell.—20.

Mr. Mathias of Otoe, moved that the report of the Committee of the Whole on

H. F. No. 2, "A bill for an act to regulate the fees and salaries of certain officers,"

Be made the special order for to-morrow at 11 o'clock.

Carried.

A call of the House ordered.

Absent—Messrs. Acton, Baker, Barnum, Beane and Hyde.



On motion of Mr. Lockwood of Dakota.

All further proceedings under the call dispensed with.

Mr. Cleburne of Sarpy, moved to adjourn until 10 o'clock to-morrow morning.

Lost.

Mr. Mullen of Cass, moved to take up

H. F. No. 33, "A bill for an act to locate a territorial road from Plattsmouth in Cass county, to Fort Kearney in Kearney county, Nebraska Territory."

Mr. Davidson of Sarpy, moved to adjourn.

Lost.

The question occurring on the motion of Mr. Mullen of Cass, it was Carried.

Mr. Millard of Douglas, moved that the House go into Committee of the Whole on said bill.

Carried.

Mr. Millard of Douglas, in the chair.

After remaining some time therein the committee rose, and through their chairman reported

That the committee had had

H. F. No. 33, "A bill for an act for the location of a territorial road from Plattsmouth to Fort Kearney,"

Under consideration, reported progress and asked leave to sit again.

Leave granted.

Mr. Lockwood moved that

H. F. No. 18, "A bill for an act to abolish the office of Territorial Librarian"

Be taken up.

Carried,

And the bill ordered engrossed for a third reading to-morrow.

Mr. Mead of Washington, moved a call of the House.

Lost.

On motion of Mr. Lockwood of Dakota,

H. F. No. 6, "A bill for an act to abolish the office of Territorial School Commissioner,"

Was taken up.

Mr. Lockwood of Dakota, moved to amend sec. 5, by inserting in the second line of said section, after the word Nebraska,

"Also, an act to provide for the selection of lands in lieu of sections sixteen and thirty-six, or parts thereof have been sold."

Amendment adopted.

Mr. Downs of Otoe, moved that the further consideration of the bill be dispensed with, and that it be made a special order for Wednesday at 11 o'clock.

Lost.

Mr. Lockwood of Dakota, moved that the bill be engrossed for a third reading to-morrow.

Mr. Cleburne of Sarpy, moved that the bill be recommitted to the Committee on Common Schools.

Lost.

The question occurring on the motion of Mr. Lockwood, it was

Carried, and

The bill ordered engrossed and made a special order for to-morrow.

On motion,

The House adjourned at 4.30 o'clock P. M.

GEO. L. SEYBOLT, Chief Clerk.

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HOUSE OF REPRESENTATIVES, }  
Saturday, December 15th, 1860. }

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Journal read and approved.

Mr. Davis of Cass, moved that a committee be appointed to inform the keeper of the saloon in the basement that he will not be allowed to vend intoxicating liquors in any part of the Capitol building or within the bounds of the Capitol Square during the session of the Legislature.

Mr. Parker of Clay, moved to amend by inserting that a committee of three be appointed to wait on the Secretary and request him to have said saloon removed.

Amendment accepted.

Mr. Clark of Douglas moved to lay the whole matter upon the table.

Ayes and nays demanded.

Ayes—Messrs. Barrett, Chase, Clark, Gates, Hedde, Lockwood, Lowe and Mead.—8.

Nays—Messrs. Acton, Barnum, Beane, Cleburne, Coleman, Cotterell, Cowles, Davidson, Davis, Downs, Fisher, Fowler, Gilmour, Grebe, Griffin, Hacker, Hyde, Mathias, Mullen, Parker, Porter, Reddick, Reed, Sibley, Sollenberger, Tisdell and Whaley.—27.

Lost.

Question recurring upon the original motion as amended, the

Ayes and nays were demanded.

Ayes—Messrs. Barnum, Beane, Chase, Cleburne, Davidson, Davis, Downs, Fisher, Fowler, Gilmour, Griffin, Hacker, Hyde, Mathias, Mead, Parker, Reed, Sibley, Sollenberger and Tisdell.—20.

Nays—Messrs. Acton, Barrett, Clark, Coleman, Cotterell, Cowles, Gates, Grebe, Hedde, Lockwood, Lowe, Mullen, Porter, Reddick and Whaley.—15.

Carried.

The Committee on Engrossed and Enrolled Bills report:

H. F. No. 6, "A bill for an act to abolish the office of Territorial School Commissioner."

Also,

H. F. No. 18, "A bill for an act to abolish the office of Territorial Librarian" as correctly engrossed. H. W. PARKER, Chairman.

Mr. Cleburne of Sarpy, from the special committee, composed of the members from Sarpy county, reported

H. F. No. 55, "An act to consolidate the offices of Register of Deeds and County Clerk in Sarpy county,"

Back to the House with the recommendation that the bill pass.

WILLIAM CLEBURNE,  
JAMES DAVIDSON,  
AMOS GATES.

The Committee on Corporations, to which was referred

H. F. No. 35, "A bill for an act to incorporate the Hook and Ladder Company No. 1, Omaha,"

Beg leave to report the same back, and recommend its passage without amendment.

WM. GILMOUR,  
JOHN I. REDDICK,  
H. P. DOWNS,  
S. P. SIBLEY,  
FREDERICK HEDDE.

On motion of Mr. Clark of Douglas,

Report adopted, and bill ordered engrossed for a third reading tomorrow.

The Committee on Corporations, to which was referred H. F. No. 38, respectfully recommend the passage of the bill without amendment.

W. GILMOUR,  
H. P. DOWNS,  
FREDERICK HEDDE,  
S. P. SIBLEY,  
JOHN I. REDDICK.

On motion of Mr. Hyde of Burt,

The report was adopted.

Message from the Council:

COUNCIL CHAMBER,  
December 14th, 1860. }

*Mr. Speaker:*

I am instructed to inform your honorable body that the Council has passed the following bills, and the concurrence of your honorable body is requested, to wit:

C. B. No. 3, "A bill to dissolve the bonds of matrimony between Wm. H. Lyman and Juliette Lyman."

Also,

C. B. No. 10, "A bill for an act to incorporate the Plattsmouth, Fort Kearney and Denver City rail road."

C. B. No. 21, "An act to repeal an act, entitled 'An act to prevent stock running a large in Sarpy county,' approved Jan. 13th, 1860."

C. B. No. 5, "A bill to authorize Randall A. Brown and John A. Unthank to establish a bridge and ferry across the north branch of the Platte River,"

Also,

C. B. No. 14, "A memorial and joint resolution asking the Congress of the United States for an appropriation to complete the Capitol of Nebraska and build a Penitentiary for the Territory."

E. P. BREWSTER, Chief Clerk.

Mr. Whaley of Platte, gave notice

Of a bill for an act to change the southern and western boundary of Platte county.

Mr. Barrett of Dixon, introduced, on leave,

H. F. No. 61, "A bill for an act to vacate the town of Ponca."

Read first time.

On motion of Mr. Reddick of Douglas,

The rules were suspended, and bill read second time by title, and referred to the Committee on Judiciary.

Mr. Mead of Washington, introduced

H. F. No. 62, "A bill for an act to incorporate the Fort Calhoun ferry company,"

Read first time.

On motion of Mr. Downs of Otoe,

Rules suspended, and bill read second time by title, and referred to the Committee on Corporations.

Mr. Fisher of Nemaha, gave notice

Of a bill for an act to provide for the publication of certain of the general and special laws of this Territory in newspapers.

On motion,

Leave of absence for the day was granted to Mr. Mead of Washington.

H. F. No. 2, "A bill to regulate the fees and salaries of certain officers."

Taken up.

On motion,

Section 2 as amended by the committee was adopted.

Mr. Cleburne of Sarpy, moved that section 3 be passed over.

Lost.

On motion of Mr. Cowles of Otoe,

Section 3 was adopted.

Mr. Gilmour of Cass, moved that sections 4, 5, 6 and 7, as reported by the committee be adopted.

Carried.

Mr. Cleburne of Sarpy moved to amend section 8 by inserting "sheriff" instead of "clerk."

Lost.

Mr. Gilmour of Cass, moved to adjourn until 2 o'clock P. M.

Mr. Mullen of Cass, moved to amend by saying until 10 o'clock A. M., on Monday morning.

Carried.

So the House adjourned at 12 o'clock M. until 10 o'clock Monday morning.

GEO. L. SEYBOLT, Chief Clerk:

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HOUSE OF REPRESENTATIVES,  
Monday, December 17th, 1860. }

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Journal read and approved.

H. F. No. 2, "A bill regulating the fees and salaries of certain officers."

Taken up.

The following sections were adopted without amendment: Sections 8, 9, 10, 11, 12, 13, 14 and 15.

For section 16 the following substitute was adopted:

"SEC. 16. The County Clerk shall receive for his services as Clerk for the County Commissioners, and for attending to the business of the county, a salary of not less than twenty-five nor more than three hundred dollars, as may be allowed by the said Commissioners, and for all other services the same fees as are allowed to other officers for similar services, or as may be allowed to him by law."

In section 17, insert after the word whatsoever in second line, "For every deed not over two hundred words; fifty cents, and ten cents for each hundred words above that number, indexing included."

For section 18, the fees now allowed by law to Justices of the Peace.

For section 19, substitute the following:

"SEC. 19. That each County Treasurer shall receive for his services the following fees: On all moneys collected by him for each fiscal year, under five thousand dollars, four per cent, and for all sums over five thousand dollars, two and a half per cent. For going to the seat of government to settle with the Territorial Treasurer and returning therefrom, a traveling fee of five cents per mile, to be paid out of the county treasury; for advertising and selling lands for delinquent tax, an additional fee of five per cent, to be collected at the same time and in the same manner that he collects said tax, and from the parties paying the same; that the said treasurer shall receive no compensation for any tax not actually collected; on all school moneys he shall receive but one per cent; also, Provided, That the treasurer, for his fees and services, shall take the same pro rata from the respective funds so collected by him, whether the same be in money, or county or territorial warrants.

In section 20, strike out the word "county" in the first line; in the second line, strike out the words "not to exceed sixty days," also for "five," insert "three."

In section 21, insert in the third line, after the words "twenty-five

cents," "and the physician making the post mortem examination of a dead body, shall not be allowed more than ten dollars for such examination, and fifteen cents for each mile, traveling to and from such inquest;" also in the fifth line insert the word "Coroner," before the word "for," and strike out "he."

In section 22, in the first line, after the first "shall," insert "each;" in the second line, insert after the word "day," "five cents per mile," strike out "county treasurer" and insert therefor "general county fund;" in the fifth line after the word offices insert the words "or more."

Section 23, adopted.

Section 24, the following substitute was adopted: "Constables shall be allowed the same fees as are allowed to sheriffs for like services."

The following amendment was agreed to:

Strike out all from the beginning of section 25, to the words "five cents inclusive," in third line, and insert the following:

"That witnesses shall be allowed the following fees: For each day's attendance before the district court in civil cases, seventy-five cents; in criminal cases or for attendance before any other court, board or tribunal, having the power to compel the attendance of witnesses, fifty cents per day; for traveling fees per mile, five cents, to be paid but once."

Mr. Cleburne of Sarpy, offered the following as a substitute for section 26:

"That there shall be paid by the party in whose favor a verdict may be rendered and in case of a non-suit by the party calling the jury, and taxed in the bill of costs against the defendant in any civil cause tried in any of the district courts of this Territory the sum of six dollars, which sum shall be paid on the rendition of the verdict or judgment of non-suit as aforesaid, and before the same is recorded, into the hands of the sheriff of the proper county, and by him paid over to the county treasurer, under the directions of the court. The fact of which payment shall be certified by the sheriff to the clerk of the district court."

On motion, rejected.

The following was adopted as a substitute for section 26:

Section 26. "That there shall be paid by the party against whom a verdict may be rendered in the district court a jury fee of six dollars to be taxed in the bill of costs, and when collected to be paid into the county treasury; and for each trial by the court a fee of one dollar and a half, to be paid by the party failing, to be collected and paid over in the same manner as the jury fee.

That the clerk of the supreme court shall receive the same fees for his services as the clerk of the district court is entitled to receive by the provisions of this act for like services, and where no provision is in this act, he shall be governed in the amount of fees he shall be entitled to receive, by such fees as the clerk of the district court is entitled to receive for similar services."

In section 27, third line, after the word "judgment" insert "therefore."

Sections 28, 29 and 30 adopted.

Section 31, third line, after the word "elected" insert "and qualified."

Sections 32, 33 and 34 adopted.

Amend section 35, by adding thereto "5 cents per mile."

The following sections were added to the bill:

"Section 36. It shall be the duty of the district court, at each term of court, to appoint a competent number of bailiffs to wait on the grand jury and to attend on the court to serve the processes of the grand jury and court during the term, who shall be allowed for their services the sum of two dollars per day: Provided, That a riding bailiff shall receive the sum of three dollars per day.

Section 37. That any clerk of the supreme court, clerk of the district court, county clerk, sheriff, treasurer, register, justice of the peace, constable or other officer named in this act, who shall demand or receive a larger fee for his services, than is allowed by the provisions of this act, shall be deemed guilty of a misdemeanor and upon conviction thereof, upon indictment shall be fined in any sum not less than twenty-five dollars, nor more than two hundred dollars, or be imprisoned in the county jail for not less than ten days, nor more than thirty days, or both at the discretion of the court.

Section 38. That there shall be allowed for advertising delinquent tax lists where the same are required to be published in pursuance of law, the sum of twenty cents for each description of lands other than town lots and for each town lot ten cents. The persons bidding off the land shall be required to pay expenses of advertising.

Section 39. That no fees be allowed by the county commissioners to any officer for services except as provided in this act, or as shall hereafter be prescribed by law.

Section 40. Every officer, whose salary is in the nature of a per diem, shall, before drawing any money on account of such salary, subscribe an oath or affirmation in form following:

I, A. B., do solemnly swear (or affirm) that I have been                      days necessarily and diligently engaged in the duties of my office as (insert title of office.)                      (Officer's name.)

Attest by:

Any disbursing officer of this Territory who shall pay any portion of the salary of any officer aforesaid before such oath or affirmation is subscribed, shall forfeit to this Territory the sum of fifty dollars, which forfeiture may be sued for by any tax payer."

Sections 41 and 42 were adopted.

On motion,

Section 1st was adopted.

On motion of Mr. Clark of Douglas,

The bill was ordered to be engrossed for a third reading.

Mr. Hedde of Hall, from the Committee to translate the Governor's Message in the German language, made the following report:

The committee to which was referred a joint resolution of the Council and House of Representatives, authorizing the committee to superintend

Monday, December 17th, 1860.

the printing of the Governor's Message in the German language, beg leave to report that we have taken the subject under our consideration, and have made an agreement with Dr. Fred. Renner to have the message translated for the sum of \$20, that we are satisfied with the translation made by him, and that we have delivered the same to the printer of the House to have five hundred copies of the same printed for the use of the Council and House.

FRED. HEDDE,  
HENRY GREBE, Com.

Report accepted.

The Committee on Engrossed and Enrolled Bills reported  
H. F. No. 35, "A bill for an act to incorporate the Hook and Ladder Company No. 1 at Omaha,"  
As correctly engrossed.

The Committee on Privileges and Elections, to which was referred  
H. F. No. 31, "A bill for an act regulating elections in the Territory of Nebraska,"

Have had the same under consideration, and report the bill back with certain amendments thereto attached, and recommend its passage.

Also,

H. F. No. 11, "A bill for an act amendatory of the Election Laws,"  
And recommend that it do not pass, for the reason that the provisions it contains are contained in H. F. No. 31.

W. R. DAVIS, Chairman.

On motion of Mr. Downs of Otoe,

The House took a recess at 12½ o'clock M. until 2 o'clock P. M.

*Afternoon Session—2 o'clock P. M.*

House met.

On motion,

The contested election case of Davenport vs. Acton was taken up.

Mr. Downs of Otoe, moved that Mr. Davenport be admitted within the bar of the House, and that each shall be allowed such counsel as they may think proper to employ.

Carried.

On motion of Mr. Mathias of Otoe,

The House went into Committee of the Whole on the subject.

Mr. Downs of Otoe, in the chair.

After remaining sometime therein the committee arose, and through their chairman reported that the committee had had said election case under consideration without coming to any conclusion thereon.

Mr. Davis of Cass, moved that Col. A. R. Gilmore be allowed to testify in said election case.

Lost.

Mr. Cowles of Otoe, moved that all the papers and testimony in the



case be referred back to the Committee on Privileges and Elections, and that said committee be empowered to send for persons and papers.

Carried.

On motion of Mr. Clark of Douglas,

The House adjourned at 5 o'clock P. M.

GEO. L. SEYBOLT, Chief Clerk.

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HOUSE OF REPRESENTATIVES, }  
Tuesday, Dec. 18th, 1860. }

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Journal read and approved.

The following notices of bills were given:

By Mr. Lowe of Douglas,

A bill for an act to fund the territorial indebtedness.

Mr. Hacker of Nemaha, chairman of the Committee on Libraries, submitted the following report:

*Mr. Speaker :*

Your committee to whom was referred

H. F. No. 58, "A bill to provide for copying the journals of the Council and House of Representatives of the seventh session of the Territorial Assembly,"

Having had the same under consideration, beg leave to report the same back to the House without amendment, and recommend its passage.

JONAS HACKER, Chairman.

By Mr. Mathias of Otoe,

Of a bill to refund to Otoe and certain other counties certain amounts paid into the Territorial Treasury.

Mr. Whaley of Platte, chairman of the Committee on Federal Relations, submitted the following report:

*Mr. Speaker :*

Your committee, to whom was referred House File, No. 36, beg leave to report that they have considered the same and report it back to the House without recommendation.

Your committee have also had under consideration

H. F. No. 46, "A memorial and joint resolution relative to a mail route from Nemaha city to Blue Springs, in Gage county."

Having considered the same. beg leave to report the same back and recommend its passage.

Also,

Tuesday, December 18th, 1860

H. F. No. 45, being "A memorial and joint resolution relative to certain mail routes,"

Have had the same under consideration and beg leave to report it back and recommend its passage.

CHAS. H. WHALEY, Chairman.

A. M. ACTON,

H. P. DOWNS.

By Mr. Coleman of Dakota,

A bill for an act to locate and establish a territorial road from Dakota city to Fort Kearney.

Read the first time.

On motion of Mr. Mathias of Otoe,

The rules were suspended, the bill by its title read a second time and referred to the Committee on Roads.

Mr. Acton of Richardson, on leave, introduced

H. F. No. 64, "An act entitled an act to exempt a certain amount of property from forced sale on execution."

Read the first time.

The rules were suspended, the bill by its title read a second time and referred to the Committee on Judiciary.

By Mr. Clark of Douglas,

H. F. No. 66, "Joint resolution and memorial for an assay office."

Read the first time.

The rules were suspended, read by its title a second time and referred to the Committee on Mines and Minerals.

Mr. Lowe of Douglas introduced

H. F. No. 67, "An act further supplemental to an act for locating, opening and repairing county roads," approved January 26, 1856.

Read the first time.

The rules were suspended, the bill by its title read a second time, and referred to the Committee on Roads.

C. B. No. 10, "A bill for an act to incorporate the Plattsmouth, Fort Kearney and Denver City rail road company."

Taken up.

Read first time.

On motion of Mr. Cowles of Otoe,

The rules were suspended, the bill by its title read a second time and referred to the Committee on Corporations.

C. B. No. 21, "An act to repeal an act entitled 'An act to prevent stock running at large in Sarpy county.'"

Taken up.

Read the first time.

On motion of Mr. Gates of Sarpy,

The rules were suspended, the bill by its title read a second time, and referred to the Committee on Agriculture.

C. B. No. 14, "Memorial and joint resolution asking the Congress of the United States for an appropriation to complete the Capitol of Nebraska, and to build a penitentiary for the Territory."

Taken up.

Read the first time.

The rules were suspended, the bill by its title read a second time, and referred to the Committee on Federal Relations.

C. B. No. 3, "A bill for an act to dissolve the bonds of matrimony between Wm. H. Lyman and Julietta Lyman."

Mr. Parker of Clay, moved that the bill be laid on the table.

Carried.

C. B. No. 5, "A bill to authorize Randall A. Brown and John A. Unthank to establish a bridge and ferry across the north fork of the Platte river." "Substituted bill."

Read the first time.

On motion of Mr. Cowles of Otoe,

The rules were suspended, the bill by its title read a second time, and referred to the Committee on Corporations.

H. F. No. 6, "A bill for an act to abolish the office of Territorial School Commissioner."

Bill read the third time.

The question being on its passage, the ayes and nays were demanded with the following result:

Ayes—Messrs. Barnum, Beane, Cavins, Chase, Coleman, Cotterell, Cowles, Davidson, Downs, Fisher, Fowler, Gates, Gilmore, Griffin, Hacker, Hedde, Lockwood, Mathias, Mullen, Parker, Reed, Sollenberger, Tisdell and Whaley.—24.

Nays—Messrs. Acton, Clark, Cleburne, Davis, Grebe, Hyde, Lowe, Millard, Porter and Reddick.—10.

Passed and title agreed to.

H. F. No. 18, "A bill for an act to abolish the office of Territorial Librarian."

Bill read a third time,

The question being on its passage, the ayes and nays were demanded with the following result:

Ayes—Messrs. Barnum, Beane, Cavins, Chase, Cleburne, Coleman, Cotterell, Cowles, Davidson, Davis, Downs, Fisher, Fowler, Gilmore, Grebe, Griffin, Hacker, Hedde, Lockwood, Mathias, Millard, Mullen, Parker, Reed, Sollenberger, Tisdell and Whaley.—28.

Nays—Messrs. Acton, Clark, Gates, Hyde, Lowe, Porter and Reddick.—7.

Carried.

On motion title agreed to.

H. F. No. 35, "A bill for an act to incorporate the Hook and Ladder Company No. 1 at Omaha City."

Read the third time.

On motion.

Passed and title agreed to.

Mr. Gilmour of Cass, on leave, introduced

H. F. No. 68, "An act supplemental to an act for opening, repairing and changing county roads, approved October 29th, 1858."

Read first time.

On motion of Mr. Cleburne of Sarpy,

The rules were suspended, the bill by its title read a second time and referred to the Committee on Roads.

H. F. No. 34, "Memorial and joint resolution relative to the organization of the Territory of Jefferson."

Taken up.

Mr. Clark of Douglas moved to insert "transmitted" in place of "sent" in the resolution.

Carried.

On motion of Mr. Cleburne of Sarpy,

The bill was ordered engrossed for a third reading at 2 o'clock, P. M.

Mr. Millard of Douglas, moved that the following bills be made the special order for to-morrow at 11 o'clock.

H. F. No. 44, "A bill for an act to amend an act, entitled 'An act to provide for the valuation and assessment of the real and personal property, and for the levying and collection of taxes in the Territory of Nebraska.'"

Also,

H. F. No. 8, "A bill for an act to extend the time for the collection of taxes in the Territory of Nebraska."

Also,

H. F. No. 38, "A bill for an act to incorporate the Loup Fork bridge and ferry company."

Carried.

Mr. Fisher of Nemaha, on leave, introduced

H. F. No. 69, "A bill to provide for the publication of certain laws in county newspapers."

Read first time.

The rules were suspended, the bill by its title read a second time and referred to the Committee on Printing.

Mr. Mullen of Cass, on leave introduced

H. F. No. 70, "Joint resolution and memorial asking Congress for an appropriation to construct a bridge over Platte river, at or near its mouth."

Read first time.

On motion of Mr. Cowles of Otoe,

The rules were suspended, read by its title a second time and referred to the Committee on Federal Relations.

Mr. Davis of Cass, moved to take up the reports of the Committee on Privileges and Elections in the case of Davenport vs. Acton.

Carried.

Mr. Davis of Cass, from said committee, submitted the following report:

The undersigned, members of the Committee on Privileges and Elections, to whom was referred the contested case of E. J. Davenport

against A. M. Acton, met according to appointment, but a majority of the committee not being present we report the papers in the case back to the House with the following recommendation:

That we are satisfied from the evidence in the case up to this time, that the Half-breed tract in Richardson and Nemaha counties was made by the treaty made at Prairie du Chien, July 15th, 1830, an Indian reservation, and by the organic act excluded from the judicial bounds of this Territory, and we have not seen any evidence that the character of said tract has been changed, and therefore, remains still, to all intents and purposes, an Indian reservation, we therefore recommend the passage of the following resolution:

Resolved, That A. M. Acton is not entitled to the seat he now occupies, and that E. J. Davenport is entitled to a seat in this body as one of the members elect from Richardson county.

W. R. DAVIS, Chairman,  
M. S. COTTERELL.

Mr. Clark of Douglas, from said committee submitted the following resolution:

Resolved, That E. J. Davenport is not entitled to a seat in this House as duly elected to the same, to represent the county of Richardson.

Mr. Davis of Cass, moved that the rules be suspended and the reports now taken up.

Mr. Downs of Otoe, moved that both reports be rejected.

Declared out of order.

Mr. Downs of Otoe, moved that the reports be referred back to the Committee, and that they report the same together with such testimony as they may think proper to take to this House to-morrow at 11 o'clock.

On motion of Mr. Downs of Otoe,

The House took a recess at 12 o'clock M. until 2 o'clock P. M.

*Afternoon Session—2 o'clock P. M.*

House met at 2 o'clock P. M.

Mr. Parker of Clay, chairman of the Committee on Engrossed and Enrolled Bills, submitted the following report:

*Mr. Speaker:*

Your Committee on Engrossed and Enrolled Bills report:

H. F. No. 34, "A memorial and joint resolution relative to the organization of the Territory of Jefferson,"

As correctly engrossed.

H. W. PARKER, Chairman.

H. F. No. 34, "A memorial and joint resolution relative to the organization of the Territory of Jefferson."

Tuesday, December 18th, 1860.

Read a third time.

Passed and title agreed to.

The contested election case of Johnson vs. Hedde,

Taken up.

Mr. Reddick of Douglas, moved that the contestant be admitted to a seat within the bar of this House by himself or attorney,

Carried.

Mr. Lockwood of Dakota, offered the following:

Resolved, That the sitting member from Hall, Frederick Hedde, is entitled to the seat now occupied by him.

Mr. Hyde of Burt, from Committee on Privileges and Elections, asked leave to amend so much of the minority report of said committee, as referred to Mr. DePuy being the messenger for carrying the returns to the clerk of Hall county, by striking out the same.

Leave granted.

Mr. Davidson of Sarpy, moved for a call of the House.

Call had.

Absent—Messrs. Baker, Coleman, Fowler and Grebe.

Mr. Griffin of Douglas, moved that all further proceedings under the call be dispensed with.

Carried.

The question then occurring on the adoption of the resolution of Mr. Lockwood, that Frederick Hedde is entitled to the seat he now occupies.

The ayes and nays were demanded, with the following result:

Ayes—Messrs. Barnum, Barrett, Beane, Cavins, Chase, Cotterell, Cowles, Davis, Fisher, Griffin, Hacker, Lockwood, Matthias, Mullen, Parker, Reed, Sibley, Sollenberger, Tisdell and Hedde.—20.

Nays—Messrs. Clark, Cleburne, Davidson, Downs, Gates, Gilmour, Hyde, Lowe, Mead, Millard, Porter and Reddick.—12.

So the resolution was

Adopted.

Mr. Gilmour of Cass, moved that the Committee on Privileges and Elections be allowed to employ a clerk to take down the testimony in the case of Davenport vs. Acton.

Carried.

The House at 5 o'clock, P. M. adjourned.

GEO. L. SEYBOLT, Chief Clerk.

HOUSE OF REPRESENTATIVES,  
Wednesday, December 19th, 1860. }

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Journal read and approved.

Call of the House demanded.

Absent—Messrs. Chase, Cleburne, Grebe, Millard and Tisdell.

On motion of Mr. Acton, of Richardson,

Mr. Tisdell was granted leave of absence for the day.

On motion,

All further proceedings under the call dispensed with.

The Committee on Engrossed and Enrolled Bills, report

H. F. No. 2, "A bill for an act regulating fees and salaries of certain officers,"

As correctly engrossed.

H. W. PARKER, Chairman.

Mr. Lockwood of Dakota, presented the petition of James W. Virtue and fifty others, praying for a territorial road from Dakota city, Dakota county, to Columbus, Platte county.

On motion,

Referred to the Committee on Highways, Roads and Bridges.

Mr. Barnum of Cass, presented the petition of Levi G. Todd and twelve others, praying for a change in the territorial road running from La Platte via Three Groves to Nebraska city.

On motion,

Referred to the Committee on Highways, Bridges, &c.

Mr. Hacker of Nemaha, presented the petition of Rewel Noyes and seven others, praying for the location of a territorial road from Blue Springs in Gage county, to the intersection of the Brownville and Nebraska City road.

On motion,

Referred to the Committee on Highways, Roads and Bridges.

Mr. Hacker of Nemaha, on leave introduced

H. F. No. 71, "A bill for an act to locate a territorial road from Blue Springs to intersect the Brownville and Nebraska City road."

Read first time.

On motion

Rules suspended, and bill read second time by title and referred to Committee on Roads.

Mr. Mead of Washington, on leave introduced

H. F. No. 72, "A bill for an act to authorize the County Commissioners of Washington county, to build a bridge across the Elkhorn river at Fontenelle."

Read first time.

On motion

Wednesday, December 19th, 1860.

Rules suspended, and bill read second time by title, and referred to the Committee on Roads.

The following notices of bills were given:

By Mr. Mullen of Cass,

Of a bill to consolidate the office of register of deeds and county clerk.

By Mr. Barnum of Cass,

Of a bill for the relocation of the territorial road from Nebraska City to La Platte.

Mr. Lockwood of Dakota, introduced

H. F. No. 73, "A bill for an act to allow the funding of the indebtedness of the Territory."

Read first time.

On motion of Mr. Lockwood,

Rules suspended, and bill read second time by title and referred to the Committee on Judiciary.

The Committee on Incorporations, to which was referred

H. F. No. 37, "A bill for an act to establish a ferry across the Platte and Elkhorn rivers in Sarpy county,"

Have had the same under consideration, and recommend its passage with the following amendment:

Add to section 2, "In case the conditions of this section are not complied with this charter shall be void."

WM. GILMOUR,  
S. P. SIBLEY,  
FRED. HEDDE,  
H. P. DOWNS,  
J. I. REDDICK.

The Committee on Corporations to which was referred

H. F. No. 62, "A bill for an act to incorporate the Fort Calhoun bridge and ferry company,"

Have had the same under consideration, and report the same back with the recommendation that it do not pass.

WM. GILMOUR,  
S. P. SIBLEY,  
FREDERICK HEDDE,  
H. P. DOWNS,  
J. I. REDDICK.

The Committee on Agriculture, to which was referred

C. B. No. 21, "A bill for an act to repeal an act entitled 'An act to prevent stock running at large in Sarpy county,' approved Jan. 13th, 1860.

Have had the same under consideration and report it back and recommend its passage.

JOEL T. GRIFFIN, Chairman.

H. F. No. 2, "A bill to regulate the fees and salaries of certain officers,"



Was taken up.

Mr. Mathias of Otoe, moved that the bill be recommitted to a special committee of three, for the purpose of inserting a provision requiring that the jury fee specified in sec. 27 of the bill, shall be paid into the hands of the sheriff for the use of the county, before judgment shall be entered, and that the committee be instructed to report immediately; upon which the

Ayes and nays were demanded.

Ayes—Messrs. Baker, Barnum, Beane, Cleburne, Coleman, Davidson, Fisher, Fowler, Gates, Gilmour, Grebe, Griffin, Mathias, Mead, Parker and Reed.—16.

Nays.—Messrs. Barrett, Cavins, Clark, Cotterell, Cowles, Davis, Downs, Hedde, Hyde, Lockwood, Lowe, Millard, Mullen, Porter, Reddick, Sibley, Sollenberger and Whaley.—19.

Lost.

On motion,

The bill was read third time.

The ayes and nays were demanded upon the passage of the bill.

Ayes—Messrs. Acton, Baker, Barnum, Barrett, Beane, Cavins, Chase, Clark, Cleburne, Coleman, Cotterell, Cowles, Davidson, Davis, Downs, Fowler, Gates, Gilmour, Grebe, Griffin, Hacker, Hedde, Hyde, Lockwood, Lowe, Mathias, Mead, Millard, Mullen, Parker, Porter, Reddick, Reed, Sibley, Sollenberger and Whaley.—36.

Nays—Mr. Fisher.—1.

Bill passed.

On motion,

Title agreed to.

Mr. Gilmour called up the report of the Committee on Privileges and Elections, in the contested case of Davenport and Acton, which was made the special order for to-day at 10 o'clock.

On motion of Mr Lockwood of Dakota,

Further consideration of the case was postponed until to-morrow at 11 o'clock.

Message from the Council:

COUNCIL CHAMBER,  
December 18th, 1860. }

Mr. Speaker :

I am requested to inform your honorable body that the Council have passed

C. B. No. 22, "An act relative to sub-districts,"

And

C. B. No. 32, "A joint resolution and memorial for an appropriation by Congress for a hospital at Fort Kearney, Nebraska,"

And request your concurrence therein.

E. P. BREWSTER, Chief Clerk.

Mr. Mullen of Cass, moved that the House go into Committee of the Whole on

H. F. No. 33, "A bill for an act to locate a territorial road from Plattsmouth to Fort Kearney."

Pending which

Mr. Matthias of Otoe, moved that the bill be recommitted to a special committee composed of the Cass county delegation.

Carried.

Mr. Matthias of Otoe, moved to go into Committee of the Whole to take under advisement

H. F. Nos. 44 and 8, "A bill for an act to amend an act, entitled, 'An act to provide for the valuation and assessment of the real and personal property, and for the levying and collection of taxes in the Territory of Nebraska.'"

Also,

H. F. No. 10, "An act for the assessment of property, real and personal."

Also,

H. F. No. 50, "An act to create the office of Precinct Assessor."

Lost.

Mr. Lockwood of Dakota, moved to recommit all the bills relating to revenue to the Committee on Ways and Means.

Pending which,

On motion of Mr. Millard of Douglas,

The vote by which the House refused to go into Committee of the Whole on the revenue bill was reconsidered.

On motion,

The House went in Committee of the Whole, having said bills under consideration.

Mr. Hyde of Burt, in the chair.

After remaining some time therein the committee arose and, through the chairman reported,

That the committee had under consideration

H. F. Nos. 44 and 8, "A bill for an act to amend an act, entitled 'An act to provide for the valuation and assessment of the real and personal property, and for the levying and collection of taxes in the Territory of Nebraska.'"

And report the same back to the House without recommendation.

Mr. Gilmour of Cass offered the following:

Resolved, That the Secretary of the Territory be requested to provide this House with a copy of the late census, so far as regards the population and number of qualified voters in each county, and that the clerk of the Secretary be allowed a reasonable fee for his services in making out the abstract.

Laid over under the rule.

Mr. Davis of Cass, offered the following:

Resolved, That but one bill on the same general subject be ordered printed.

Laid over under the rule.

H. F. No. 13, "A bill for an act concerning occupying claimants,"  
Was taken up.

On motion of Mr. Reddick of Douglas,

The bill was engrossed and read a third time at 3 o'clock P. M.

Mr. Mathias of Otoe, moved that the Committee on Judiciary be instructed to report as soon as practicable on the bill "regulating interest," and a bill "defining the duties of county commissioners and county clerks."

Carried.

H. F. No. 38, "A bill for an act to incorporate the Loup Fork bridge and ferry company"

Was taken up.

Mr. Mathias of Otoe, moved to amend the said bill by adding thereto, "The Legislative Assembly hereby reserves the right to alter, amend and repeal this act."

Pending which,

Mr. Lockwood of Dakota, called up his motion to recommit all the "bills relating to revenue" to the Committee on Ways and Means.

Motion put and carried.

Mr. Clark of Douglas, moved to adjourn.

Carried,

And the House at 12 o'clock and 30 minutes adjourned.

G. L. SEYBOLT, Chief Clerk.

HOUSE OF REPRESENTATIVES,  
Thursday, December 20th, 1860. }

The House met at the usual hour.

Speaker in the chair.

Prayer by the Chaplain.

Journal read and approved.

The Committee on Engrossed and Enrolled Bills submitted the following report:

Your committee report

H. F. No. 13, "An act concerning occupying claimants,"

Correctly engrossed.

H. W. PARKER, Chairman.

The following notices of bills were given:

By Mr. Parker of Clay,

Of a bill for an act to prevent sheep and swine from running at large in the counties of Johnson and Clay.

By Mr. Cotterell of Dodge,

Of a joint resolution for the relief of F. Wilkinson.

Mr. Coleman of Dakota, introduced

H. F. No. 74, "A memorial and joint resolution relative to the establishment of a tri-weekly mail route from Dakota city to Fort Randall."

Read first time.

On motion of Mr. Barrett of Dixon,

Rules suspended, the bill read second time by its title and referred to Committee on Federal Relations.

Mr. Hedde of Hall, introduced

H. F. No. 75, "A memorial and joint resolution relative to certain lands claimed by the war department."

Read first time, and

On motion,

Rules suspended, the bill read second time by its title and referred to Committee on Federal Relations.

Mr. Matthias of Otoe, introduced

H. F. No. 76, "A bill for an act to refund to Otoe county certain moneys paid into the territorial treasury."

Read first time, and

On motion,

Rules suspended, the bill read second time by its title and referred to Committee on Accounts and Expenditures.

Mr. Clark of Douglas, introduced

H. F. No. 77, "An act to amend an act entitled 'an act to apportion the members of the House of Representatives of the Territory of Nebraska,'"

Read first time, and

On motion,

Rules suspended, the bill read second time by its title and referred to the Committee on Privileges and Elections.

Mr. Millard of Douglas introduced the following:

Resolved, That a committee of three on the part of the House be appointed by the Speaker, to confer with a like committee on the part of the Council upon the propriety of adjourning on Saturday until the second day of January, A. D. 1861.

On motion,

The resolution was taken up, and the question being upon its adoption.

Ayes and nays demanded—pending which,

On leave,

Mr. Millard withdrew the resolution.

Mr. Mullen of Cass, introduced

H. F. No. 78, "A bill for an act to abolish the office of county recorder in the Territory of Nebraska, and to merge the duties of said office into the duties of the county clerk."

Read first time, and

On motion,

Rules suspended, bill read second time by its title and referred to Committee on Judiciary.

Mr. Fisher of Nemaha, presented the petition of Wm. K. M. Breckenridge, praying that he may be divorced from Dyce Breckenridge, his wife.

Petition read, and referred to Committee on Internal Improvements.

Mr. Lockwood of Dakota, chairman of the Committee on Judiciary, reported favorably on the following bills:

H. F. No. 28, "A bill for an act in relation to attachment, judgment and decrees in the case of official bonds to the Territory of Nebraska, or any county thereof."

H. F. No. 48, "A bill for an act concerning the acknowledgment of conveyances of real estate."

H. F. No. 49, "A bill for an act to confirm the title of Thomas Martin and J. H. Coriell to certain real estate in the City of Omaha."

H. F. No. 56, "A bill for an act to enable the Register of Deeds and County Clerk to appoint the other his deputy."

H. F. No. 59, "A bill for an act to create the office of Prosecuting Attorney, and to abolish the office of District Attorney."

H. F. No. 61, "A bill for an act to vacate block number fourteen in the town of Ponca."

Mr. Gilmour of Cass, called up the resolution offered by him yesterday, relative to procuring from the Secretary, a copy of the census returns, so far as regards the population and number of qualified voters in each county.

On motion,

Resolution adopted.

The Committee on Judiciary submitted the following report:

Your committee to whom was referred

H. F. No. 1, being "A bill for an act to regulate the rate of interest on money,"

Having had the same under consideration, beg leave to report the same back to the House, with a recommendation from your committee that the same be passed.

A. G. CAVINS,

A. M. ACTON,

CHAS. H. WHALEY,

JOHN I. REDDICK.

Committee on Judiciary.

And,

Your committee to whom was referred

H. F. No. 51, being "An act to amend an act entitled 'An act to consolidate the corporations of Nebraska city, South Nebraska city, and Kearney city, and to incorporate Nebraska city,' approved Dec. 31, 1857,

Beg leave to report that having had the same under consideration, they do now report the same to the House and recommend its passage.

Also,

H. F. No. 32, being "An act in relation to money of account and interest,"

Having had the same under consideration, report that the main and material provisions of said bill are contained in H. F. No. 1, which last named bill has been recommended to the House.

Your committee therefore return the bill marked H. F. No. 32, to the House with a recommendation against the passage of same.

A. G. CAVINS,  
CHAS. H. WHALEY,  
A. M. ACTON,  
JNO. I. REDDICK.

Committee on Judiciary.

C. B. No. 22, "An act relative to the school sub-districts."

Taken up.

Read first time, ordered printed, and

On motion of Mr. Clark of Douglas,

Rules suspended, the bill read a second time by its title, and referred to Committee on Common Schools.

C. B. No. 32, "Joint resolution and memorial for an appropriation by Congress for a hospital at Fort Kearney, Nebraska."

Taken up.

Read first time, and

On motion,

Rules suspended, the bill read second time by its title, and referred to the Committee on Federal Relations.

H. F. No. 13, "An act concerning occupying claimants."

Taken up.

Mr. Cavins of Otoe, moved to amend sec. 1.

Mr. Cleburne of Sarpy, moved to recommit the bill to a special committee of one, to insert said amendment.

Carried.

Mr. Cavins of Otoe, appointed such committee.

On leave,

Mr. Hedde introduced

H. F. No. 79, "A memorial for a tri-weekly mail between Columbus and Fort Kearney."

Read first time, and

On motion,

Rules suspended, the bill was read a second time by its title, and referred to the Committee on Federal Relations.

Mr. Millard of Douglas, on leave, introduced

H. F. No. 80, "A bill for an act to define the time for convening the Territorial Legislature."

Read first time, and

On motion,

Rules suspended, the bill read a second time by its title and referred to the Committee on Libraries.

On leave,

Mr. Reddick of Douglas, introduced

H. F. No. 81, "A bill for an act relating to jury trials in the district courts."

Read the first time, and

On motion,

Rules suspended, the bill read a second time by its title and referred to the Committee on Judiciary.

Mr. Grebe of Douglas, gave notice

Of a bill to allow Eliza K. Mitchell and Alexander Hunter to erect and keep a mill dam across Mill creek at Florence."

The Committee on Privileges and Elections submitted the following report:

Your Committee to whom was referred the contested case of E. J. Davenport claiming a seat in this House from the county of Richardson, in the place of the sitting member, A. M. Acton, beg leave to report back to the House, all the papers in the case, together with the testimony taken before them, without recommendation.

WM. R. DAVIS,  
J. R. HYDE,  
M. H. CLARK,  
M. S. COTTERELL,  
WM. F. LOCKWOOD.  
Committee.

*Petition of E. J. Davenport.*

To the Hon. the Speaker and Members of the House of Representatives of the Territory of Nebraska in Legislature assembled:

Your petitioner would respectfully represent that he claims to be entitled to a seat in your honorable body as representative elect from the county of Richardson.

And would further represent that his seat, to which he is legally entitled, is now occupied by A. M. Acton who is not a citizen of the Territory of Nebraska, said Acton being a resident upon an Indian reservation, and therefore not within the jurisdiction of this Territory, as by the provisions of the first section of [the] Organic Act of this Territory, and by said section of said Organic Act especially exempted from the judicial bounds of this Territory.

And your petitioner would further represent that the said A. M. Acton, who is a resident upon an Indian reservation, and therefore not a citizen of this Territory, was elected to this House by the votes of residents of the same Indian reservation, and therefore, not citizens of this Territory; and therefore, that the said A. M. Acton was not and could not be legally elected a member of this House.

And your petitioner would further represent that he was legally

elected as a member of this House by a majority of the qualified electors of said Richardson county as the certificate of election, signed by the clerk of Richardson county, will more fully show.

Your petitioner would therefore most humbly pray that the said A. M. Acton may be ejected from, and your petitioner admitted to the seat now occupied by said A. M. Acton as representative from the county of Richardson, and as in duty bound your petitioner will ever pray, et cetera.

E. J. DAVENPORT.

*Answer of A. M. Acton to petition of E. J. Davenport.*

To the Honorable the Committee on Elections of the House of Representatives of the Legislative Assembly of Nebraska:

In the matter of the petition of E. J. Davenport, claiming a seat in said House as a representative from the county of Richardson.

And now comes A. M. Acton, the sitting member from said county, and excepts to the said House taking any cognizance whatever of the petition of the said E. J. Davenport, and for the following reasons, to wit:

In the act relating to elections passed and approved January 26th, 1856, it is provided that the manner in which contests must be conducted, is as follows, to wit:

"By serving a notice upon the opposite party within twenty days from the day of election," and no notice of any contest whatever has at any time, been served upon me by the said E. J. Davenport, and that therefore, having neglected to proceed in accordance with the law in such cases made and provided, the said E. J. Davenport is not at this time, entitled to prosecute his claims to a seat in this body.

Omaha, Dec. 6th, 1860.

A. M. ACTON.

That A. M. Acton being a resident upon the Half-breed tract in Richardson county, is not eligible to a seat in the House of Representatives of this Territory, for the following reasons, to wit:

1st. Said tract was set apart as an Indian reservation by treaty made at Prairie du Chien July 15th, 1830, and by article II of said treaty, expressly styled a reservation, held by the same title as other Indian titles are held. See U. S. Statutes at Large, p. 330, vol. 7.

2d. The laws regulating Indian reservations expressly establish the oversight, jurisdiction and care of said reservations in the President and Indian department. See U. S. Statutes at Large, vol. 4, pp. 734, 735; sec. 30; and p. 735, sec. 3; and sec. 17, p. 738, and precludes the probability of any person gaining any right of citizenship by a residence upon any such reservation, or of any State or Territory acquiring any civil jurisdiction over any such reservation by any acts of said State or Territory.

3d. That the reversionary right of the United States can only be relinquished: first, in the manner prescribed in the Organic Act, sec. 1, second proviso, latter clause of said proviso; or secondly, by an act of Congress as in case of the half breed of the Sacs and Foxes tribes. See chap. 167, p. 740, vol. 4, U. S. Statutes at Large.

4th. That the Organic Act of this Territory expressly exempts from



the civil jurisdiction of the Territory, all Indian reservations. See Organic Act, second proviso of sec. 1.

5th. That the county commissioners cannot, by any act of theirs, alter the character of this reservation.

6th. That until Congress by act, or the President of the United States, shall notify this Territory that the United States have relinquished their reversionary interest in said reservation, said Half-breed tract must remain without the civil jurisdiction of this Territory.

7th. That the said Half-breed tract was regarded by Congress as a Reservation. See report of the contest between Bird B. Chapman and H. P. Bennett, Congressional Globe, part 3d; see reports of committees, 1st and 2d sessions of the 34th Congress; Nebraska Contested Election papers, marked No. 5, opinion of Commissioner of Indian Affairs.

8th. That the said tract was not recognized judicially as a part of this territory, by acting Governor T. B. Cuming. See Laws of Nebraska, 1855, page 48, Richardson county.

9th. That the said tract was regarded as an Indian reservation by the majority therein. See reports of committees 1st and 2d session of the 34th Congress, Nebraska Contested Election papers, marked "B," page 8, and paper "C," page 13.

That the Legislature of Nebraska regarded said Half-breed tract as a reservation. See Laws of Nebraska, 1859, page 207.

That E. J. Davenport is entitled to a seat within this House as Representative of Richardson county. See certificate of clerk of said county.

E. J. DAVENPORT.

*Certificate issued to E. J. Davenport.*

Territory of Nebraska, }  
County of Richardson. }

I hereby certify that Asa M. Acton and Louis Allegewater, two of the persons who received votes for the office of Representative at the October election, held 9th of October, 1860, were at that time citizens of, and residents upon what is known as the Half-breed reservation. I further certify that E. J. Davenport, Isham Reavis, F. A. Tisdell and Henry B. Porter, who also received votes for the office of Representative at said election, were, at that time, living outside and off of said Half-breed reservation, and that E. J. Davenport received the third highest number of votes of the persons last named above for the office of Representative.

Given under my hand and seal of office this 24th day of November, A. D. 1860.

A. J. DESHAZO,  
County Clerk.

Per S. R. Jaimeson,  
Deputy.

*Answer of A. M. Acton.*

To the Honorable the Speaker and the Members of the House of Representatives of the Seventh Legislative Assembly of Nebraska:

In the contested case of E. J. Davenport against A. M. Acton as member from the county of Richardson in said Territory.

Thursday, December 20th, 1860.

And now comes A. M. Acton, and for answer to the petition of the said E. J. Davenport denies each and every allegation set forth in the said petition and says that the matters and things therein set forth are not true in substance or in fact.

A. M. ACTON.

December 10, 1860.

*Amendment to Answer of A. M. Acton.*

I deny that there is any reservation in Richardson county, Nebraska Territory, known as a Half-breed reservation, which denial I wish to prove. I also deny that the County Clerk issued a certificate of election to E. J. Davenport as member elect to the Legislature of Nebraska Territory from said county. I also state that I am a citizen of an incorporated town, incorporated by authority of the Territorial Legislature of Nebraska, and that said town is in the county of Richardson, Nebraska Territory, which I wish to prove.

A. M. ACTON.

December 10th, 1860.

*Certificate issued to A. M. Acton.*

Territory of Nebraska, }  
County of Richardson, } ss.

I, A. J. DeShazo, Clerk of said county, do hereby certify that A. M. Acton was duly elected representative of Richardson county, Nebraska Territory, at the annual election held on the 9th day of October, 1860.

In witness whereof I have hereunto set my hand and affixed [L. s.] my official seal this 12th day of October, 1860.

A. J. DESHAZO, County Clerk.

TESTIMONY IN THE CASE OF E. J. DAVENPORT,

Contesting the seat of A. M. Acton, sitting member from Richardson County, N. T., taken before the Committee on Privileges and Elections at Omaha City, December 18th, 1860.

Present—Wm. R. Davis, M. S. Cotterell, J. R. Hyde, M. H. Clark, Wm. F. Lockwood; and F. C. Renner, acting clerk.

Parties present.

The contestant asked a rule requiring the contestee to state the points he expected to prove, in writing.

Motion overruled.

On the request of the contestee, summons were issued for Governor Samuel W. Black, A. R. Gilmore, W. E. Harvey and James Buchanan.

Witnesses sworn by the chairman.

*Statement of Gov. Samuel W. Black.*

Question 1st.—State whether you have ever acted as Judge of the Second Judicial District, and if so, at what time?

Answer.—I was appointed Judge in the Second Judicial District some

time in April, 1857; I arrived in the Territory about June, 1857, and was Judge, I think, until the 8th of February, 1859.

Question 2d.—State whether the county of Richardson is embraced within the Second Judicial District?

Answer.—It is.

Question 3d.—State whether or not the Half-breed tract in the eastern part of that county. is recognized by the courts of that district, as being under its jurisdiction?

Answer.—I always so considered it; part of the tract is in Richardson county, part in Nemaha county; when I was Judge in the district I made no distinction between this tract and any other part of Richardson county; and I can state specifically, in the part of the tract in Nemaha county, that in a case where a homicide had been committed on the Half-breed tract, the person charged with the killing, had been taken before a magistrate, and an examination had been discharged by the magistrate, to my impression the probate judge of Nemaha county; I directed the grand jury at Brownville to investigate the case, on the ground that it was their duty to investigate every homicide that was committed within their jurisdiction.

The grand jury acted on the case and returned a bill to the court; the bill was not returned a true bill, it was ignored, as I understand, it was a plain case of self-defence.

Question 4th.—State whether or not in the county of Richardson in civil cases, judgments are rendered, executions issued and levied upon property of persons residing on that Half-breed tract?

Answer.—I presume that it is so; although I have no recollection of an individual case now; I have no reason of doubt however.

Question 5th.—State whether you know anything in relation to titles having been given to the Half-breeds on said tract by the government of the United States to lands on that tract?

Answer.—I think, in the fall of 1857, I visited the Half-breed tract in company with Gov. Denver, who was then commissioner of Indian affairs; I think I heard from him as well as from other sources, the name of the agent, to whom was assigned the allotment of shares of land on that tract, upon the treaty of 1830, at Prairie-du-Chien, Mr. Stark of Ohio was the person who had the matter in charge. I think I have seen certificates issued by the Government to the Half-breeds.

But my information goes farther than that, from this circumstance; Mr. S. F. Nuckolls and some of his brothers had become possessed of a large amount of Half-breed titles, and they had made sales of a considerable portion of their lands on the Half-breed tract to third parties, particularly a German settlement in and about Arago. In the spring of this present year Mr. S. F. Nuckolls, as I learned from him, received information that their titles were in danger of being unsettled or overturned, this included the titles they had transferred to other parties, he was anxious that I should at once go to Washington, and if possible, help him out of the difficulty, by saving the titles. I consented to go on that account and on account of other private and public matters in the Territory. When I reached Washington, I found that the difficulties

were in a great measure, removed, some few of the titles being left however for future adjustment. I was very anxious to get patents issued out of their regular order in the patent office, to a number of the towns on the Half-breed tract, as well as a number of other towns in the Territory, merely for the purpose of making the titles firm.

I asked Mr. Thompson, Secretary of the Interior, as a favor, that he would direct patents to issue for the town of Rulo and some other places; his reply was substantially as follows: that he could not direct the patents to issue at that time, inasmuch as a regular report had to be made from the Indian department to the Land department; that report was not ready, and could not be for some time; I do not pretend to be accurate about his reasons, but I am clear about his declaration, that persons interested might rest perfectly easy, for their titles were as fully and finally settled as if they had their patents, with the exception of those few cases where there would, probably, be another adjustment; I think I wrote these facts to Mr. Nuckolls and to the Mayor of Rulo; I know that I left Mr. Thompson, perfectly satisfied that the titles of the Half-breed tract were settled.

*Cross-examination of Gov. S. W. Black.*

Question 1st.—You state in your answer as to the jurisdiction of the Half-breed tract, in regard to a certain case which came up before you as judge of that district, from that part of the tract which lies in Nemaha county, and over which you directed the grand jury to exercise jurisdiction, I ask you to state whether you have any recollection of the facts in the case, and how it came to be brought before that court?

Answer.—My recollection is, that the man was brought before a magistrate; that he had been discharged; but that I held it to be my duty to inform the grand jury of the facts, and that it was their duty to investigate them.

Question 2d.—Do you not know from any judge, or any other person, that the United States courts claimed jurisdiction over the Half-breed tract?

Answer.—I heard by rumor that Judge Miller had taken a different view from me, but to what extent or in what way, I am not informed, even by rumor; this rumor I heard within the last few weeks; since I am in this place.

Question 3d.—You state that you have seen some of the certificates given to the Half-breeds?

Answer.—I stated, "I think I have seen some."

Question 4th.—By whom were those certificates signed?—were they signed by the President or any of the heads of the land department of the state, or were they signed by the agent who made the allotments?

Answer.—I do not presume to state by positive recollection by whom they were signed; but I believe they were signed by the agents who made the allotments.

Question 5th.—You state that Secretary Thompson stated that their titles were as fully settled as if they had their patents. I ask you if,

under the laws regulating Indian affairs, and the powers conferred upon the Secretary of the Interior, it would not be in the power of a new Secretary to reverse that decision?

Objected to by contestee.

Answer.—I have given you my answer what Secretary Thompson said; you now ask me my opinion what another Secretary might do; I have not examined all the laws so as to be able to say positively what another Secretary might have the power to do, but I suppose also that he will be an honest man, and that he will not reverse the judgment of his predecessor merely because he has the power to do so.

Attest.

(Signed.)

SAMUEL W. BLACK.

DOC. RENNER, Acting Clerk.

*Statement of Wm. E. Harvey.*

Question 1st.—State whether you know anything in relation to the title of the Half-breeds on the Half-breed tract in the eastern part of Richardson county?

Answer.—In October and November, 1857, I was at the town of Aspinwall: while there Mr. M. W. Stark, acting as an agent for the government, was allotting the lands to the Half-breeds and giving them certificates for 320 acres each. At the suggestion of Mr. Stark I was employed by several of the Half-breeds to find their corners and determine the tract upon which their claims were located, and that the tracts were allotted to the Half-breeds and the certificates granted by Mr. Stark as the agent of the government. A number of white persons, including Mr. James McMillen from Ohio, purchased a number of these certificates, and, I believe, took deeds from the Half-breeds; among other cases the tract of land upon which Aspinwall is situated was purchased by J. T. White, McMillen and others from Louis Neil, the Half-breed, to whom it was allotted; Neil having, prior to the allotment, given a bond to Nuckolls & Co. for a deed to the tract; suit was brought by Nuckolls & Co. to recover the title to the land; it was decided by the court that the title from Neil to White & Co. was good. In the spring of 1858 I inquired at the Department of the Interior and was informed that titles from the Half-breeds to whom the lands were allotted would be good; the lands was surveyed by the government, I think, from the fact that the corners and lines were marked in the field the same as all other government surveys, and the field notes are in the Surveyor General's Office. I am a surveyor and know the marks of government surveyors.

*Cross-examination of Wm. E. Harvey.*

Question 1st.—State, if you know, the price paid for these Indian certificates?

Answer.—I think Neil got \$4000 for that tract on which Aspinwall is situated, with an agreement from the parties, to re-convey to Neil one-fourth interest on the tract, for one thousand dollars, if he desired to after a certain time. Another person whose name I have forgotten, bought several of these certificates, for which, I understood him to say,

he paid from \$400 to \$1000 apiece; for one of them I saw him pay to the Half-breed, five \$20 gold pieces, as a part of the purchase money. I also saw H. Nuckolls pay some money for one of these certificates. I don't recollect the amount.

Question 2d.—What were these \$4000 paid in, and do you know whether it was ever paid?

Answer.—I think he got a pair of horses, a carriage and some goods on the trade. I do not know that all was paid.

Question 3d.—Do you not know from your own knowledge, or from common rumor, that Neil and other Half-breeds have sold their lands several times to different parties?

Answer.—Not since the allotments were made.

Question 4th.—Do you not know that Nuckolls, White & Co., McMillen and others, have purchased large quantities of land of these Half-breeds, for which they paid them a much smaller sum than the Government price of lands.

Answer.—I never heard of any tract of land being sold less than \$1.25 an acre.

Question 5th.—You state you saw one of the Half-breeds paid five \$20 gold pieces. as part payment for his land. Do you know how much land was in the allotment, and whether he received anything more for his land than the five \$20 gold pieces?

Answer.—320 acres were in the tract. I do not know whether he received more; my understanding from the person who paid this money was, that this was only a part payment; this was in the presence of both parties.

Question 6th.—I ask you whether you are School Commissioner of this Territory, whether it is not your duty to know where schools have been organized or school taxes paid? and if public schools have ever been organized on the Half-breed tract in Richardson or Nemaha county, and whether school taxes have been paid on that land?

Answer.—I am Commissioner of Schools; my impression is, but I can not say positively, that school districts are organized, either wholly or partially lying in that Half-breed tract; no report was received last year except the one in my report to the sixth session of the legislature; and there has been no report for this year, received from that county, except the report of the enumeration of youth, received in May or June last; and the statement of the County Treasurer of the amount of school taxes collected in the county.

Question 7th.—From whom did you receive this information of which you speak, as coming from the Department of the Interior.

Answer.—It was derived from a conversation with the secretary of the Interior.

Question 8th.—Are you now, or have you ever been, interested by purchase in any lands or town lots on the Half-breed tract?

Answer.—I am not and never have been.

Attest.

(Signed.)

WM. E. HARVEY.

Dr. RENNER, Acting Clerk.

On motion,

The committee adjourned at 11½ o'clock P. M., to meet again to-morrow night at 7 o'clock.

Omaha, Dec. 19th, 1860.

Committee on Privileges and Elections met pursuant to adjournment.

Mr. Harvey recalled on the part of the contestee.

Question 1st.—State to the committee what you know, if anything, that has been done by the School Department of this Territory, in relation to taking the enumeration of youth in several school districts in Richardson county, in which Rulo township, and Saint Stephens township returned 144 youths?

Answer.—Upon that enumeration, I made an apportionment of school funds, the proportion of which, for those two townships amounted to \$320.38.

*Cross-examination of Wm. E. Harvey.*

Question 1st.—State whether, in the fulfillment of the duties of your office, you have had any correspondence with the land office department of the United States, in regard to getting lands in lieu of sections 16 and 36 on the Half-breed reservation, in Richardson county; and if so, state what that correspondence was?

Answer.—I applied to the land office at Brownville for the lands, and I was informed it was necessary to procure an act of congress in some manner similar to an act of congress granting lands in lieu of Half-breed lands in Lee county, Iowa.

Attest.

(Signed) W. E. HARVEY.

DR. RENNER, Acting Clerk.

*Statement of James Buchanan.*

Question 1st.—State what you know, if anything, in relation to the settlers on the Half-breed tract in the eastern part of Richardson county, paying taxes in to the treasurer of that county?

Answer.—I know one man on the Half-breed tract in Richardson county, who has paid his taxes for this last year; I saw him pay the money and get his certificate from the deputy county treasurer.

I am knowing by report, of citizens residing on that tract paying their taxes, in common with other landholders in the county. I have heard it also from the county treasurer, Mr. Isaac Crook.

*Cross-examination of James Buchanan.*

Question 1st.—I ask you if you don't know by common report, that there are many landholders residing on the tract, who have refused to pay taxes?

Answer.—I do not.

Question 2d.—Did you not hear the county treasurer saying that there were many refusing to pay their taxes.

Answer.—I did not.

Attest.

(Signed)

JAMES BUCHANAN.

Dr. RENNER, Acting Clerk.

As no more testimony was offered the committee adjourned to report on to-morrow.  
Dr. RENNER, Acting Clerk.

Mr. Reddick of Douglas, offered the following:

Resolved, That A. M. Acton be declared entitled to the seat now occupied by him as representative from Richardson county.

Mr. Davis of Cass, offered the following:

Resolved, That A. M. Acton is not entitled to the seat he now occupies, and that E. J. Davenport is entitled to a seat in this body as one of the members elect from Richardson county.

Mr. Gilmour of Cass, moved that the House take a recess until 2 o'clock P. M.

Carried.

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*Afternoon Session—2 o'clock P. M.*

House met at 2 o'clock P. M. and resumed business.

Mr. Cleburne of Sarpy, on leave introduced

H. F. No. 82, "A bill for an act to amend an act entitled 'An act relating to money of account and interest,'" approved March 14th, 1855.

Read the first time.

On motion,

Rules were suspended, read a second time by its title, and referred to Committee on Judiciary.

Call of House had.

Absent—Mr. Chase.

Mr. Lockwood of Dakota, moved that the Sergeant-at-Arms be dispatched after absentees.

Mr. Davis of Cass, moved that all further proceedings under the call be dispensed with.

Carried.

The question occurring on the adoption of the resolution declaring Mr. Acton entitled to his seat, the

Ayes and nays were demanded.

Ayes—Messrs. Barrett, Cavins, Clark, Cleburne, Coleman, Downs, Gates, Grebe, Hyde, Lockwood, Lowe, Mead, Millard, Porter, Reddick and Tisdell.—16.

Nays—Messrs. Baker, Barnum, Beane, Cotterell, Cowles, Davidson, Davis, Fisher, Fowler, Gilmour, Griffin, Hacker, Hedde, Mathias, Mullen, Parker, Reed, Sibley, Sollenberger and Whaley.—20.

So the resolution was

Lost.

Mr. Gilmour of Cass, moved the adoption of the resolution declaring



E. J. Davenport, entitled to a seat in this House as a member from Richardson county.

Mr. Lockwood of Dakota, moved to lay the resolution on the table, upon which the

Ayes and nays were had with the following result:

Ayes—Messrs. Barrett, Cavins, Clark, Cleburne, Coleman, Davidson, Downs, Gates, Grebe, Hyde, Lockwood, Lowe, Mead, Millard, Porter, Reddick and Tisdell.—17.

Nays—Messrs. Baker, Barnum, Beane, Cotterell, Cowles, Davis, Fisher, Fowler, Gilmour, Griffin, Hacker, Hedde, Mathias, Mullen, Parker, Reed, Sibley, Sollenberger and Whaley.—19.

So the motion was

Lost.

Mr. Lockwood of Dakota, moved to adjourn the further consideration of the resolution until the 28th of December.

Lost.

On motion,

House adjourned.

GEO. L. SEYBOLT, Chief Clerk.

HOUSE OF REPRESENTATIVES,  
Friday, December 21st, 1860. }

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Journal read and approved.

Mr. Tisdell of Richardson, gave notice of the following bills:

A bill to vacate the town of Rulo on the Half-breed tract in Richardson county.

A bill to prevent the residents of the election precincts of Arago, St. Stephens and Rulo in Richardson county from voting at any county or general election, and from holding any county or territorial office.

A bill to amend the revenue law so as to exempt the real and personal property on the Half-breed tract in Richardson county from taxation.

A bill for an act to vacate and close the territorial and county roads on the Half-breed tract in Richardson county.

Also,

A bill for an act to require the county of Richardson to refund to the residents of the Half-breed tract in said county the amount of county and road taxes heretofore paid by them,

And,

A bill to authorize the election of a Probate Judge in Richardson county instead of Chas. F. Walthers who resides on the Half-breed tract.

Also,

A bill to require the Territorial Auditor to issue warrants to the residents of the Half-breed tract for territorial taxes illegally and unlawfully collected from them.

And,

A bill to vacate the town of Arago on the Half-breed reserve in Richardson county,

And,

A bill to refund to the residents of the Half-breed tract the amount of school taxes paid by them.

And,

A bill to require the County Treasurer to refund all taxes collected by him on the Half-breed tract.

Mr. Grebe of Douglas, introduced

H. F. No. 83, "A bill for an act to authorize Eliza K. Mitchell and Alexander Hunter to keep a mill dam across Mill creek at Florence, Douglas county, N. T."

Read first time.

On motion of Mr. Davidson of Sarpy,

Rules suspended, and bill read second time by title, and referred to the Committee on Internal Improvements.

Mr. Lowe of Douglas gave notice

Of a bill for an act declaring the offices of justices of the peace and constables residing in the Half-breed tract, heretofore supposed to have been in Richardson county, abolished.

Mr. Hedde of Hall, introduced

H. F. No. 84, "A bill for an act to legalize certain elections of county officers in Hall county."

Read first time.

On motion,

Rules suspended, and bill read a second time by title and referred to Committee on Judiciary.

Mr. Barrett of Dixon, introduced

H. F. No. 85, "A bill for an act to provide for the erection of a bridge across Badger creek."

Read first time.

On motion of Mr. Lockwood,

Rules suspended, bill read a second time by title and referred to the Committee on Roads.

Mr. Whaley of Platte, introduced

H. F. No. 86, "A bill for an act changing the southern and western boundary of Platte county."

Read first time.

On motion,

Rules suspended, and bill read second time by title and referred to Committee on County Boundaries and Seats.

The Committee on Roads, to which was referred

H. F. No. 68, "An act supplemental to an act to amend an 'Act for opening, repairing and changing county roads,' approved Oct. 29th, 1858."

And,

H. F. No. 63, "A bill for an act to locate and establish a territorial road from Dakota city to Fort Kearney."

Have had the same under consideration and report them back to the House with the recommendation that they pass.

J. B. BARRETT, Chairman.

Mr. Barnum of Cass, from the special committee appointed to wait upon the Auditor and Treasurer, submitted the following statements from the Territorial Auditor and School Commissioner:

*Mr. Speaker:*

Your committee appointed in pursuance of a resolution to examine the books of the Territorial Auditor, and procure a statement of taxes due from the several counties of the Territory, beg leave to submit the following:

E. W. BARNUM, Chairman.

Omaha, Dec. 19th, 1860.

*Hon. E. W. Barnum, Chairman, and Gentlemen of the Committee :*

In compliance with your request as per resolution of the House of Representatives, I herewith submit the following statement of taxes charged against the several counties and the amount paid by them at various times:

*Cass County.*

DR.

To amount of levy for 1859,.....	\$3,009.91
" " 1860, .....	3,000.00

CR.

1856, May 14, by amount paid Treasurer,.....	\$66.30
1859, Dec. 17, " " .....	60.85
	<hr/> 127.15

Amount due from Cass county,.....	\$5,882.76
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*Dodge County.*

DR.

To amount of levy for 1859,.....	\$478.34
" " 1860, .....	241.90

CR.

June 16, 1856, by amount paid Treasurer,.....	\$20.00
Dec. 10, 1859. " " .....	85.80
Jan. 12, 1860, " " .....	165.02
	<hr/> 270.80

Amount due from Dodge county,.....	\$449.42
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Friday, December 21st, 1860.

*Nemaha County.*

Dr.		
To amount of levy for 1859,.....		\$1,481.53
"      "      1860,.....		2,100.00
Cr.		\$3581.53
June 16, 1856, by amount paid Treasurer,.....	\$30.00	
Dec. 28, 1858,      "      "      .....	437.95	
		<u>467.95</u>
Amount due from Nemaha county,.....		\$3,113.58

*Otoe County.*

Dr.		
To levy of 1859,.....		\$3,563.78
"      1860, .....		4,474.06
Cr.		\$8,037.84
Feb. 13, 1857, by amount paid Treasurer,.....	\$250.00	
July 18, 1857,      "      "      .....	108.83	
Dec. 16, 1858,      "      "      .....	378.46	
Jan. 13, 1859,      "      "      .....	788.21	
Dec. 15, 1859,      "      "      .....	243.75	
June 5, 1860,      "      "      .....	451.50	
		<u>2,220.25</u>
Amount due from Otoe county, .....		\$5,817.59

*Douglas County.*

Dr.		
To levy for 1859,.....		\$6,318.10
"      1860,.....		3,000.00
Cr.		\$9,318.10
July 7, 1857, By amount paid Treasurer.....	\$377.67	
Aug. 13, 1857,      "      "      .....	978.06	
Sept. 10, 1857,      "      "      .....	260.00	
Jan. 2, 1860,      "      "      .....	2,069.37	
		<u>3,685.10</u>
Amount due from Douglas county.....		\$5,634.00

*Richardson County.*

Dr.		
To levy for 1859.....		\$613.19
"      1860.....		1,500.00
Carried forward.....		<u>\$2,113.19</u>

Friday, December 21st, 1860.

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Brought forward..... \$2,113.19

CR.

Aug. 11, 1859, By amount paid Treasurer..... 200.00

Amount due from Richardson county..... \$1,913.19

*Johnson County.*

DR.

To levy for 1859..... \$203.85

" 1860..... 184.00

\$387.85

CR.

Oct. 15, 1859, By amount paid Treasurer..... \$98.75

Oct. 21, " " " " 44.83

143.58

Amount due from Johnson county..... \$244.27

*Washington County.*

DR.

To levy for 1859..... \$1,134.58

" 1860..... 1,294.13

\$2,089.79

CR.

Dec. 28, 1859, By amount paid Treasurer..... 348.92

Amount due from Washington county..... \$2,506.67

*Sarpy County.*

DR.

To levy of 1858..... \$1,604.41

" 1860..... 1,500.00

\$3,104.41

CR.

Jan. 1, 1860, By cash paid Treasurer..... 597.74

Amount due from Sarpy county..... \$2,506.67

*Dixon County.*

DR.

To levy for 1859..... \$97.40

do 1860..... 91.28

Carried forward..... \$188.68

Friday, December 21st, 1860.

Brought forward.....	\$188.68
CR.	
July 2, 1860, By amount paid Treasurer.....	71.29
Amount due from Dixon county.....	\$117.39
<i>Pawnee County.</i>	
DR.	
To levy for 1859.....	\$227.90
" 1860.....	319.94
	\$547.84
CR.	
Jan. 7, 1860, By amount paid treasurer.....	137.47
Amount due from Pawnee county.....	\$410.37
<i>Dakota County.</i>	
DR.	
To levy for 1859.....	\$324.73
" 1860.....	468.90
	\$793.90
CR.	
Jan. 5, 1860, By amount paid Treasurer.....	142.70
Amount due from Washington county.....	\$650.93
<i>Burt County.</i>	
DR.	
To amount of levy for 1859.....	\$420.82
" " 1860.....	461.03
Amount due from Burt county.....	\$881.85
<i>Platte County.</i>	
DR.	
To levy for 1859.....	\$71.83
" 1860.....	165.73
Amount due from Platte county.....	\$237.57
<i>Cedar County.</i>	
DR.	
To levy for 1859.....	\$56.09
" 1860.....	114.29
Amount due from Cedar county.....	\$170.38

Friday, December 21st, 1860.

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*Gage County.*

Dr.

To levy for 1860, and due from Gage county ..... \$141.34

Yours respectfully,

R. C. JORDON, Territorial Auditor.

OFFICE OF COMMISSIONER OF COMMON SCHOOLS, }  
Omaha, Neb., December 19th, 1860. }

*Hon. E. H. Barnum,*

*Chairman of Committee, &c.:*

Sir—In accordance with your request, I have the honor to submit the following statement, in regard to the apportionment of school moneys levied in the year 1859, taken from the school fund account in my office:

*Burt County.*

To levy of territorial school tax for 1859 (per auditor's report), .....	\$280.54
By apportionment for 109 youth, .....	242.51
Balance due school fund, .....	\$38.03

*Cass County.*

To levy, &c. (per auditor's report), .....	\$2,192.15
By apportionment for 1074 youth, .....	2,389.54
Balance due county, .....	\$197.39

*Cedar County.*

To levy, &c. (per auditor's report), .....	\$37.14
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*Clay County.*

By apportionment for 54 youth, .....	\$120.14
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*Dakota County.*

To levy, &c. (per auditor's report), .....	\$238.16
Interest collected, (county treasurer's report), ..	2.95
	\$241.11
By apportionment for 295 youth, .....	\$647.33
Balance due county, .....	\$406.33

*Dixon County.*

To levy, &c. (per county treasurer's report), .....	\$64.46
By apportionment for 104 youth, .....	231.39
Balance due county, .....	\$166.93

Friday, December 21st, 1860.

*Dodge County.*

To levy, &c. (per county treasurer's report), .....	\$346.25	
Draft on treasury of Washington county, .....	61.51	
	<hr/>	\$407.76
By delinquent tax transferred to Washington county for collection, .....	70.19	
Draft in favor of Washington county, .....	144.00	
Apportionment for 87 youth, .....	193.57	
	<hr/>	407.76

*Douglas County.*

To levy, &c. (per auditor's report), .....	\$6,318.60	
Interest collected (county treasurer's report, ..	80.25	
	<hr/>	\$6,398.85
By apportionment for 916 youth, .....	2,038.01	
	<hr/>	\$4,360.84

*Johnson County.*

To levy, &c. (per auditor's report), .....	\$135.90	
By apportionment for 151 youth, .....	335.96	
	<hr/>	\$200.06

*Nemaha County.*

To levy, &c. (per auditor's report), .....	\$987.68	
By apportionment for 997 youth, .....	2,173.72	
	<hr/>	\$1,186.04

*Otoe County.*

To levy, &c. (per auditor's report), .....	\$2,375.85	
By apportionment for 1240 youth, .....	2,758.88	
	<hr/>	\$383.03

*Pawnee County.*

To levy, &c. (per auditor's report), .....	\$83.12	
By apportionment for 243 youth, .....	540.65	
	<hr/>	\$457.53

*Platte County.*

To levy, &c. (per auditor's report), .....	\$47.89	
By apportionment for 153 youth, .....	340.41	
	<hr/>	\$292.52



*Richardson County.*

To levy, &c. (per auditor's report),.....	\$408.79
By apportionment for 803 youth,.....	1,786.59
	<hr/>
Balance due county,.....	\$1,377.80

*Sarpy County.*

To levy, &c. (per auditor's report),.....	\$1,069.60
By apportionment for 357 youth,.....	794.29
	<hr/>
Balance due school fund,.....	\$275.31

*Washington County.*

To levy, &c. (per county treasurer's report),...	\$787.48
Interest collected,.....	57.13
Delinquent taxes from Dodge county,.....	70.19
Draft on treasurer Dodge county,.....	144.00
	<hr/>
	\$1,058.80
By apportionment for 414 youth,.....	\$921.11
Draft in favor of Dodge county,.....	61.51
	<hr/>
	\$982.62
	<hr/>
Balance due school fund,.....	\$76.18

I am informed that in Burt county, owing to an error in the assessment, there was no tax collected.

In Cedar county, the officers whose duty it was to report the enumeration of youth, neglected it.

In Clay county, the enumeration of youth was taken in due form, but there were no taxes levied last year.

In January last, I found that if the apportionment of school funds was delayed until the time specified in the "Act to provide for making an enumeration of the unmarried white youth of Nebraska territory, between the ages of five and twenty-one years," approved January 13th, 1860, a number of schools, organized under the expectation that the apportionment would be made in January, would be obliged to suspend, I therefore deemed it my duty to request the territorial treasurer to certify a certain portion of school funds to several of the counties, and as a portion of Dodge county had been transferred to Washington county, a sum amounting to one hundred and forty-four dollars was drawn from the treasury of Dodge in favor of the treasury of Washington county, and by him paid to the treasurer of Fontenelle township, finding when I made the apportionment of school funds in June, as required by law, that injustice had been done to Dodge county, in drawing so large an amount in addition to \$70.19 delinquent school taxes, which had been transferred to Washington county for collection, I made a draft upon the treasurer of Washington county in favor of the treasurer of Dodge county for \$61.51, being the amount which would balance the territorial school fund account of Dodge county.

In Douglas county, owing to an extraordinarily large valuation, the territorial school tax was much greater than it would have been, had it been the duty of the territorial board of equalization to consider school taxes, this has, however, in some manner been corrected this year, by the reduction in the valuation in the county for territorial purposes.

Otoe county collected a tax of only *one and one-half mills on the dollar valuation*, but as the law plainly said that the territorial school tax should be *two mills*, I have charged that county with the deficiency.

As the laws do not require county treasurers to make a settlement with the territorial treasurer but once in each year, and that in January, the balances due several of the counties have not as yet been paid over to them. I would respectfully suggest, that county treasurers be required to report the amounts of school funds collected in their counties respectively, twice in each year, and to pay over, on the draft of the territorial treasurer, balances that may remain in their hands after deducting the amounts to which their counties may be entitled to retain, and I would also suggest that the apportionment of territorial school funds be made twice in each year.

The amount of territorial school tax levied in the several counties for the current year, according to the equalized assessments is as follows:

## Counties.

Burt, .....	\$153.68
Cass, .....	1000.00
Cedar, .....	38.10
Dakota, .....	156.30
Dixon, .....	30.43
Dodge, .....	80.64
Douglas, .....	1000.00
Gage, .....	47.12
Johnson, .....	61.43
Nemaha, .....	700.00
Otoe, .....	1491.35
Pawnee, .....	106.65
Platte, .....	55.25
Richardson, .....	500.00
Sarpy, .....	500.00
Washington, .....	431.38
<b>Total, .....</b>	<b>\$6352.33</b>

The apportionment for this year, will probably be made in January, provided the county clerks and treasurers make the necessary reports to this office. The law gives the county clerks until the 20th of December, to make their report of the enumeration of youth; as soon as the report from the several counties of Douglas, Otoe, Richardson, Cedar, and partial reports from others, are received, I shall have the honor to present my annual report, showing the very flattering success we have met with in organizing our school system.

I would suggest the importance of obtaining from Congress an act authorizing the school department of the Territory to lease the school lands, either for the purpose of having them improved, or for an annual pecuniary rent, to be applied to schools; from a careful investigation of the objects I am confident in the belief that an average revenue, for the next five years, of at least \$10,000 per annum could be derived therefrom.

The law in relation to license fees, for selling liquors, should, perhaps, be amended, so as to make it the duty of some one officer to look after the fees. In Otoe county, owing to a conflict between the city and county authorities in regard to licenses, the school fund has lost several hundred dollars.

In Douglas county, particularly Omaha city, license fees were taken in city scrip, but the City Council on being notified from this office, that all license fees belonged to the school fund, reconsidered their action, and since then have required such fees to be paid *in cash* for school purposes, saving to the fund several hundred dollars.

In Washington county several fines were imposed, which would, if collected, belong to the school fund; but as the parties have no property in their own names, but are willing and able to give *good security* for the payment of the amount in (say) five years, with interest semi-annually at the rate of ten per cent, I think an act authorizing the county treasurers to take a bond with *good security* for the payment of the amounts due, when it can not be collected in any other way, would perhaps be a very good plan.

In Dixon county, several fines were imposed and the parties paid the same amounts in warrants. I have directed the county clerk to obtain, if possible, an allowance from the county commissioners equal to the amount of warrants so paid in, and have reason to suppose that the allowance will be made.

In cases of several defaulting county superintendents of schools elected under the old law, I have taken such measures as will ultimately recover to the school fund about \$800.

I must again request the legislature to make some provision for contesting fraudulent entries of school lands. Very valuable tracts have been, by means of perjury and fraud, entered. And, in some cases, patents have issued; and the danger is, if the matter is delayed much longer, that patents will issue for all, and the expense of recovery of the title will be enormous.

If investigated now, before witnesses are scattered, or *forget* the facts, many very valuable tracts of school lands might be reclaimed at a very small cost, for witnesses' fees and mileage, and perhaps occasionally an attorney would be required to draw up the necessary papers, &c. And if you should deem it worthy of consideration enough to pass an act requiring this office to investigate such cases, I would suggest that there be a penalty for witnesses to refuse to attend, or give evidence, the same as in courts of justice.

All of which is respectfully submitted

By your ob't serv't,

WM. E. HARVEY, Com'r  
of Common Schools.

Friday, December 21st, 1860.

Mr. Cotterell of Dodge, introduced  
H. F. No. 87, "A joint resolution for the relief of F. Wilkinson of Boulder."

Read first time.

On motion,

Rules were suspended, and read second time and referred to the Committee on Federal Relations.

The Committee on Mines and Minerals to which was referred

H. F. No. 66, "A joint resolution and memorial for an assay office in Nebraska Territory,"

Beg leave to report the same back, as amended and recommend its passage.

M. H. CLARK, Chairman.

ALFRED MATHIAS.

Mr. Hyde of Burt, introduced

H. F. No. 88, "A bill for an act to legalize the organization of Cum-  
ing county."

Read first time,

On motion,

Rules suspended, and bill read a second time by title and referred to the Committee on County Boundaries and Seats.

Mr. Davis of Cass, moved that five hundred copies of the Auditor's Report be printed for the use of the House.

Mr. Reddick of Douglas moved to amend by inserting "one hundred" in place of "five hundred."

Carried.

Question upon motion, as amended,

Carried.

On motion of Mr. Cleburne of Sarpy,

The report of the Territorial School Commissioner was referred to the Committee on Common Schools.

The Committee on Ways and Means to which was referred H. F. Nos. 8 and 44, having had the same under consideration, beg leave to report that they discover no reason for changing the recommendation made in their previous report.

All of which is respectfully submitted.

A. G. CAVINS, Chairman.

J. I. REDDICK,

H. P. DOWNS.

Mr. Reddick of Douglas, moved that the House go into Committee of the Whole on the revenue bills, upon which the

Ayes and nays were demanded.

Ayes—Messrs. Baker, Baker, Barrett, Cavins, Clark, Cleburne, Coleman, Fisher, Gates, Grebe, Lockwood, Lowe, Mathias, Mead, Millard, Porter, Reddick, Sibley and Tisdell.—18.

Nays—Messrs. Barnum, Beane, Cotterell, Cowles, Davidson, Davis,

Fowler, Gilmour, Griffin, Hacker, Hedde, Mullen, Parker, Reed and Sollenberger.—15.

Carried.

Mr. Cowles of Otoe in the chair.

After remaining therein some time the committee arose and reported through the chairman, that the committee had had under consideration the several revenue bills, and report progress, and ask leave to sit again at 2 o'clock this afternoon.

Granted.

On motion of Mr. Clark of Douglas,  
The House took a recess until 2 o'clock P. M.

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*Afternoon Session—2 o'clock P. M.*

House met.

Message from the Council:

COUNCIL CHAMBER,  
December 21st, 1860. }

*Mr. Speaker :*

I am instructed to inform your honorable body that the Council has passed

C. B. No. 27, "An act providing for the election of assessors."

And,

C. B. No. 30, "An act to incorporate the South Nebraska rail road company,"

And,

C. B. No. 36, "Joint resolution and memorial relative to school lands in the fractional townships in Nebraska Territory,"

And,

C. B. No. 42, "An act relative to appeals."

And the concurrence of the House is respectfully requested.

E. P. BREWSTER, Chief Clerk.

On motion of Mr. Clark of Douglas,

The House resolved itself into Committee of the Whole, having under consideration the several revenue bills.

Mr. Cowles of Otoe in the chair.

After remaining some time therein, the committee arose and through the chairman reported, that the committee had had under consideration,

H. F. Nos. 44 and 8, "A bill for an act to amend an act entitled, 'An act to provide for the valuation and assessment of the real and personal property, and for the levying and collection of taxes in the Territory of Nebraska.'"

And that they have made several amendments thereto and recommend its passage as amended.

Report adopted.

Mr. Mathias of Otoe, moved that the resolution declaring Mr. Davenport entitled to a seat in this House be made the special order for Friday next.

Carried.

On motion of Mr. Davis of Cass,

The House adjourned at 4½ o'clock P. M.

Geo. L. SEYBOLT, Chief Clerk.

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HOUSE OF REPRESENTATIVES, }  
Saturday, Dec. 22d, 1860. }

The House met at the usual hour.

The Speaker in the chair.

Prayer by the Chaplain.

Journal read and approved.

Call of the House had.

Absent—Messrs. Barnum, Chase, Cowles, Davidson, Davis, Lockwood, Mathias, Millard, Mullen, Sibley and Sollenberger.

Mr. Whaley of Platte, moved that leave of absence be granted to all the absentees.

Carried.

Mr. Reddick of Douglas, moved that leave of absence be granted Mr. Mead until Wednesday.

Leave granted.

C. B. No. 30, "A bill for an act to incorporate the South Nebraska rail road company."

Read the first time.

On motion of Mr. Reddick of Douglas,

Rules suspended, read a second time by its title and referred to Committee on Corporations.

C. B. No. 36, "A memorial and joint resolution relative to school lands in the fractional townships of Nebraska Territory."

Read the first time.

On motion of Mr. Reddick of Douglas,

Rules suspended, read second time by its title and referred to Committee on Schools.

C. B. No. 42, "A bill for an act relative to appeals."

Read first time.

On motion of Mr. Cleburne of Sarpy,

Rules suspended, read second time by its title, and referred to Committee on Judiciary.

C. B. No. 27, "A bill for an act to provide for the election of assessors,"

Read first time, and

On motion,

Rules suspended, read second time by its title, and referred to Committee on Ways and Means.

Mr. Grebe of Douglas, gave notice

Of a bill for an act to repeal an act entitled "An act to organize Richardson county," approved March 7th, 1857.

Mr. Hyde of Burt, introduced

H. F. No. 88, "A bill for an act to regulate the laying out of towns and villages."

Read the first time, and

On motion,

Rules suspended, read second time by its title, and referred to Committee on County Boundaries and Seats.

Mr. Parker of Clay, introduced

H. F. No. 89, "A bill for an act to restrain sheep and swine from running at large in the counties of Johnson and Clay."

Read the first time, and

On motion,

Rules suspended, read a second time by its title, and referred to Committee on Agriculture.

H. F. No. 13, "A bill for an act concerning occupying claimants."

Read the third time.

Passed and title agreed to.

H. F. No. 26, "A bill for an act to encourage the growth of fruit, forest and ornamental trees."

Taken up,

And ordered engrossed for a third reading.

H. F. No. 55, "A bill for an act to consolidate the office of register of deeds and county clerk of Sarpy county."

Taken up.

And ordered engrossed for a third reading.

H. F. No. 19, "A bill for an act to authorize J. S. Carr, his associates, heirs and assigns to keep a mill dam across the south branch of the Weeping Water in Cass county."

Taken up.

And ordered engrossed for a third reading.

H. F. No. 51, "A bill for an act to amend the charter of Nebraska city."

Taken up.

And ordered engrossed for a third reading.

H. F. No. 58, "A bill for an act to provide for copying the journals of the Council and House of Representatives of the seventh session of the Territorial Assembly of Nebraska."

Taken up.

And ordered engrossed for a third reading.

H. F. No. 15, "A bill for an act to establish a ferry across the Missouri river in Burt county."

Taken up.

And ordered engrossed for a third reading.

H. F. No. 37, "A bill for an act to establish a ferry across the Platte and Elkhorn rivers in Sarpy county."

Taken up.

And ordered engrossed for a third reading.

Mr. Lockwood of Dakota, moved that

C. B. No. 3, "a bill for "An act to dissolve the bonds of matrimony between William H. Lyman and Juliette Lyman,"

Be taken from the table.

Carried, and

On motion.

Rules suspended, read second time by its title and referred to the Committee on Judiciary.

H. F. No. 61, "A bill for an act to vacate block fourteen in the town of Ponca."

Read a third time,

Passed and title agreed to.

Mr. Griffin of Douglas, chairman of the Committee on Agriculture, submitted the following report:

*Mr. Speaker :*

Your committee to whom was referred

H. F. No. 52, "A bill for an act granting a bounty on sugar manufactured from sorghum or sugar cane,"

Have had the same under consideration, and report the same back to the House without recommendation. JOEL T. GRIFFIN, Chairman.

Mr. Reddick of Douglas, moved that bill be read a third time and put upon its passage.

Carried.

Bill read a third time.

Passed and title agreed to.

H. F. No. 46, "A memorial and joint resolution relative to a mail route from Nebraska City to Blue Springs in Gage county."

Read a third time.

Passed and title agreed to.

H. F. No. 66. "Memorial and joint resolution for an assay office in Nebraska Territory."

Taken up.

And ordered engrossed for a third reading.

H. F. No. 24, "Memorial and joint resolution praying Congress for an appropriation to defray the expenses of a Geological Survey."

Taking up.

And ordered engrossed for a third reading.

H. F. No. 45, "Memorial and joint resolution relative to certain mail routes."

Taken up.

Mr. Acton of Richardson, moved that the bill be read a third time by its title.

Carried.



Bill read a third time by its title.

On motion,

Passed and title agreed to.

C. B. No. 21, "A bill for an act to repeal an act to prevent stock from running at large in Sarpy county."

Read a third time, and

On motion,

Passed and title agreed to.

Mr. Lockwood of Dakota moved that the House adjourn until 2 o'clock P. M. Wednesday next.

Carried.

GEORGE L. SEYBOLT, Chief Clerk.

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HOUSE OF REPRESENTATIVES,  
Wednesday, December 26th, 1860. }

House met at 2 o'clock P. M., pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Call of the House had.

Absent—Messrs. Cavins, Clark, Cleburne, Cowles, Davidson, Davis, Downs, Gilmour, Hyde, Lockwood, Lowe, Mathias, Mead, Mullen, Sibley and Sollenberger.

The Journal of Saturday's session was read and approved.

On motion of Mr. Baker of Nemaha,

The absentees were excused from attendance to-day.

Mr. Barrett of Dixon, chairman of the Committee on Roads, submitted the following report:

*Mr. Speaker:*

Your Committee on Roads to whom was referred

H. F. No. 72, "An act to authorize the County Commissioners of Washington county to build a bridge across the Elkhorn river at Fontanelle,"

Have had the same under consideration and beg leave to report the same back to the House and recommend its passage.

J. BARRETT, Chairman Committee on Roads.

H. F. No. 72, "A bill for an act to authorize the County Commissioners of Washington county to build a bridge across the Elkhorn river at Fontanelle,"

Taken up,

Read a third time, and

On motion,

Passed and title agreed to.

Mr. Barrett of Dixon, chairman of the Committee on Roads, submitted the following report:

Your Committee on Roads, to whom was referred  
H. F. No. 71, "A bill to locate a territorial road from Blue Springs, to intersect the Nebraska City and Beatrice road,"

Has had the same under consideration, and beg leave to report the same back to the House with the recommendation that it pass.

J. BARRETT, Chairman  
Committee on Roads.

Mr. Barrett of Dixon, chairman of the Committee on Roads, submitted the following report:

Your Committee on Roads, to whom was referred

H. F. No. 67, "An act further supplemental to "An act for locating, opening and repairing county roads," approved January 26th, 1856,

Has had the same under consideration, and beg leave to report the same back to the House with the recommendation that it pass.

J. BARRETT, Chairman  
Committee on Roads.

The following message was received from the Governor:

EXECUTIVE CHAMBER, }  
December 26th, 1860. }

*Mr. Speaker :*

I am instructed by the Governor to announce to your honorable body the following message:

JOHN MCCONNIE, Private Secretary.

To the Honorable the House of Representatives of the Territory of Nebraska:

I respectfully call your attention to the fact, that the whole of the present session of the legislature except seventeen working days, has passed away, and not one bill has up to this time, been sent to the Executive. I make this suggestion in no spirit of complaint, nor do I assume any right to influence in any way, your movements or deliberations: but being bound to examine "every bill, which shall have passed the Council and House of Representatives," before I can approve and sign it, or if it is not approved return it with my objections, I have a right to ask that all the legislation of the term shall not be crowded on me at the close of the sessions.

Not on my own account alone, but for the sake of the people, who are most interested in the laws of the Territory, I request that you will endeavor to hasten the public business so that I may have a reasonable time to examine each bill after it has passed the legislature.

SAMUEL W. BLACK, Governor of Nebraska.

Mr. Griffin of Douglas, Chairman of the Committee on Agriculture, submitted the following report:

Your committee to whom was referred

"A bill for an act to restrain sheep and swine from running at large in the counties of Johnson and Clay."

Have had the same under consideration and report the same back to the House and recommend its passage.

JOEL T. GRIFFIN,  
Chairman of Committee Agriculture.

Mr. Reddick of Douglas, presented the petition of J. H. Wagner and twenty-seven others, praying for a change in the boundary lines of Buffalo county.

Petition read, and

On motion,

Referred to the Committee on County Boundaries and Seats.

Mr. Hedde of Hall, on leave, introduced

H. F. No. 90, "A bill for an act to attach Merrick county to Hall county."

Read the first time, and

On motion,

Rules suspended, read a second time by its title, and referred to Committee on County Boundaries and Seats.

Mr. Parker of Clay, Chairman of the Committee on Engrossed and Enrolled Bills, submitted the following report:

*Mr. Speaker:*

Your Committee on Engrossed and Enrolled Bills report,

H. F. No. 58, "A bill for an act to provide for copying the journals of the Council and House of Representatives of the seventh session of the Territorial Assembly of Nebraska;"

H. F. No. 37, "An act to establish a ferry across the Platte and Elkhorn rivers in Sarpy county;"

Also,

H. F. No. 51, "A bill for an act to amend the charter of Nebraska city."

Correctly engrossed.

H. W. PARKER, Chairman.

H. F. No. 58, "A bill for an act to provide for copying the journals of the Council and House of Representatives of the seventh session of the Territorial Assembly of Nebraska."

Read a third time, and

On motion,

Passed and title agreed to.

H. F. No. 37, "A bill for an act to establish a ferry across the Platte and Elkhorn rivers in Sarpy county."

Read a third time, and

On motion,

Passed and title agreed to.

H. F. No. 51, "A bill for an act to amend the charter of Nebraska city."

Read a third time, and

On motion,

Passed and title agreed to.

Mr. Parker of Clay, chairman of the Committee on Engrossed and Enrolled Bills, submitted the following report:

*Mr. Speaker:*

Your Committee on Engrossed and Enrolled Bills report,

H. F. No. 19, "A bill for an act to authorize J. S. Carr, his associates, heirs or assigns to keep a mill dam across the south branch of the Weeping Water in Cass county."

H. F. No. 15, "A bill for an act to establish a ferry across the Missouri river in Burt county."

Also,

H. F. No. 24, "A joint memorial praying Congress for an appropriation to defray the expenses of a Geological Survey."

Correctly engrossed.

H. W. PARKER, Chairman.

H. F. No. 19, "A bill for an act to authorize J. S. Carr, his associates, heirs or assigns to keep a mill dam across the south branch of the Weeping Water, in Cass county."

Read a third time, and

On motion,

Passed and title agreed to.

H. F. No. 15, "A bill for an act to establish a ferry across the Missouri river, in Burt county."

Read a third time, and

On motion,

Passed and title agreed to.

H. F. No. 24, "Joint resolution and memorial praying Congress for an appropriation to defray the expenses of a Geological Survey."

Read a third time, and

On motion,

Passed and title agreed to.

H. F. No. 9, "A bill for an act to incorporate a seminary to be located at Elkhorn City, in Douglas county, Nebraska Territory."

Taken up.

Ordered engrossed for a third reading.

H. F. No. 17, "A bill for an act to locate a territorial road from St. James, in Cedar county to Columbus, in Platte county."

Taken up.

And ordered engrossed for a third reading.

H. F. No. 38, "A bill for an act to incorporate the Loup Fork bridge and ferry company."

Taken up.

Mr. Clark of Douglas, moved that the bill be engrossed for a third reading.

Upon which the ayes and nays were demanded with the following result:

Ayes—Messrs. Barrett, Beane, Cavins, Clark, Cotterell, Davis, Gates, Gilmour, Griffin, Hacker, Hyde, Lockwood, Parker, Porter and Tisdell.—15.

Nays—Messrs. Baker, Barnum, Chase, Coleman, Fisher, Grebe, Hedde, Millard, Reed and Whaley.—10.

Carried.

Mr. Lockwood of Dakota, moved to reconsider the vote by which the bill was ordered engrossed.

Carried.

Mr. Reddick of Douglas, moved that the bill be put upon its passage.

Mr. Griffin of Douglas, moved to amend section 1 by adding thereto, the words "of a similar character."

Carried.

Mr. Lockwood of Dakota, moved that the further consideration of the bill be postponed until 11 o'clock to-morrow morning.

Carried.

Mr. Parker of Clay, Chairman of the Committee on Engrossed and Enrolled Bills, submitted the following report:

*Mr. Speaker :*

Your Committee on Engrossed and Enrolled Bills report

H. F. No. 66, "Joint resolution and memorial for an assay office in Nebraska territory,"

Correctly engrossed.

H. W. PARKER, Chairman.

H. F. No. 66, "Joint resolution and memorial for an assay office in Nebraska territory."

Read a third time, and

On motion,

Passed and title agreed to.

Mr. Griffin of Douglas, on leave introduced

H. F. No. 91, "A bill for an act to amend section 310 of title 10 of the Code of Civil Procedure."

Read the first time, and

On motion,

Rules suspended, read second time by its title and referred to Committee on Judiciary.

Mr. Gilmour of Cass, on leave, introduced

H. F. No. 92, "A bill for an act to incorporate the United Presbyterian church of Rock Bluff city."

Read the first time.

On motion of Mr. Gilmour of Cass,

Rules suspended, read second time by its title and ordered engrossed for a third reading.

On motion of Mr. Clark of Douglas, the House adjourned at 4 o'clock P. M.

GEORGE L. SEYBOLT, Chief Clerk.

Thursday, December 27th, 1860.

HOUSE OF REPRESENTATIVES,  
Thursday, December 27th, 1860. }

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Journal read and approved.

Mr. Downs of Otoe, presented petition of J. W. Moore and eighty-one others against any change in the charter of Nebraska city.

On motion,

Referred to Committee on Corporations.

Mr. Baker of Nemaha, presented W. L. Brown praying for the repeal of the Western land and exchange company.

On motion,

Referred to the Committee on Judiciary.

Mr. Gilmour of Cass, presented petition of S. L. Thompson and twenty-four others praying for the extension of an act entitled "An act to incorporate the Missouri river and Pacific rail road company," approved February 12th, 1857.

On motion,

Referred to the Committee on Corporations.

Mr. Baker of Nemaha, on leave, introduced

H. F. No. 93, "A bill for an act to locate a territorial road from Nebraska city to Brownsville."

Read first time,

On motion of Mr. Baker,

Rules suspended, and bill read a second time by title and referred to the Committee on Roads.

The Committee on Engrossed and Enrolled Bills report that

H. F. No. 9, "An act to incorporate a Seminary to be located in Elkhorn city, Douglas county, N. T.,"

And,

H. F. No. 17, "A bill for an act to locate a territorial road from St. Johns, in Cedar county, to Columbus, in Platte county,"

And,

H. F. No. 26, "A bill for an act to encourage the cultivation of fruit, forest and ornamental trees,"

And,

H. F. No. 55, "An act to consolidate the office of register of deeds and county clerk in Sarpy county,"

And,

H. F. No. 92, "An act to incorporate the United Presbyterian Church of Rock Bluffs city,"

Are correctly engrossed.

H. W. PARKER, Chairman.

The Committee on Library, to which was referred

H. F. No. 80, "A bill for an act to define the time for convening the Territorial Legislature,"

Have had the same under consideration and beg leave to report the same back without amendment and recommend its passage.

JONAS HACKER, Chairman.

The Committee on Judiciary, to which was referred

H. F. No. 25, "A bill for an act authorizing suits upon written instruments to be brought in the name by which the same are executed,"

Have had the same under consideration, and report the same back to the House and recommend its passage.

W. F. LOCKWOOD, Chairman.

Mr. Reddick of Douglas, moved that the Governor's Message of yesterday be referred to a special committee of five.

Carried,

H. F. No. 9, "A bill for an act to incorporate a seminary to be located in Elkhorn city, Douglas county, N. T.,"

Taken up, and

On motion of Mr. Lowe of Douglas,

Recommitted to a special committee of one, composed of Mr. Lowe, of Douglas.

H. F. No. 26, "A bill for an act to encourage the cultivation of fruit, forest and ornamental trees,"

Read third time.

On motion,

Passed and title agreed to.

H. F. No. 92, "A bill for an act to incorporate the United Presbyterian Church of Rock Bluffs city."

Read third time.

On motion,

Passed and title agreed to.

H. F. No. 17, "A bill for act to locate a territorial road from St. James in Cedar county, to Columbus in Platte county,"

Was taken up.

Mr. Whaley moved to amend the bill by striking out the name of "Thomas Griffey" and inserting in place thereof "Robert Kimball."

Carried, and

On motion,

Bill read a third time.

Passed, and title agreed to.

H. F. No. 89, "A bill for an act to prevent sheep and swine from running at large in counties of Johnson and Clay."

Read third time.

On motion,

Passed, and title agreed to.

H. F. No. 1, "A bill for an act to regulate and establish the rate of interest on money and contracts,"

Was taken up.

Mr. Mathias of Otoe, moved that the bill be made the special order for to-morrow at 2 o'clock.

Withdrawn.

Mr. Downs of Otoe, moved that

H. F. Nos. 44 and 8, "A bill for an act to provide for the valuation and assessment of the real and personal property, and for the levying and collection of taxes in the Territory of Nebraska."

Be taken up.

Carried.

On motion of Mr. Mathias of Otoe,

The report of the committee on said bill was adopted.

On motion of Gilmour of Cass,

The bill was recommitted to the Committee on Ways and Means.

Mr. Reddick of Douglas, called up the special order, being

H. F. No. 38, "A bill for an act to incorporate the Loup Fork bridge and ferry company."

Mr. Griffin of Douglas, moved that the House go into Committee of the Whole on said bill.

Lost.

Mr. Reddick moved to amend the bill by adding to the fifth section the following:

"Provided, That nothing in this act shall be so construed as to prohibit the territorial or state legislature from granting to any company the privilege to erect, within the limits named in this charter a free bridge, or to prohibit any rail road company from erecting within said limits a rail road bridge, if for railway purposes exclusively, or to prohibit the government of the United States from erecting within said limits a bridge for military or other purposes; and Provided further, that the provisions of this act shall not in any manner interfere with any ferry privilege or charter already granted."

Mr. Lockwood of Dakota, moved to insert the name of Sylvester D. Willard in said bill as one of the incorporators.

Pending which,

Message from the Council:

COUNCIL CHAMBER,  
December 27th, 1860. }

*Mr. Speaker :*

I am instructed to inform your Honorable body that the Council have passed without amendment,

H. F. No. 3, "A bill for an act to prohibit slavery in Nebraska."

And

H. F. No. 61, "A bill for an act to vacate block No. fourteen in the town of Ponca."

E. P. BREWSTER, Chief Clerk.

On motion of Mr. Lockwood of Dakota,  
The Loup Fork bridge bill was postponed.

The Committee on Ways and Means to which was referred

H. F. No. 27, "An act to provide for the election of assessors,"



Having had the same under consideration beg leave to report the same to the House without amendment.

A. G. CAVINS,  
J. I. REDDICK,  
H. P. DOWNS,  
JNO. P. BAKER.

On motion,

H. F. No. 50, "A bill for an act to create the office of precinct assessor,"

Was taken up.

Mr. Matthias moved that the House go into Committee of the Whole, on H. F. Nos. 50 and 27, bills providing for assessors.

Pending which,

Mr. Reddick moved that the House take a recess until 2 o'clock P. M.

Mr. Gilmour of Cass, moved to amend by saying until 10 o'clock tomorrow morning:

Lost.

Question recurring upon the motion to take a recess,

Carried.

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*Afternoon Session—2 o'clock P. M.*

House met.

H. F. No. 28, "An act relative to attachments, judgments and decrees, in the case of official bonds to the Territory of Nebraska,"

Was taken up.

Read third time.

On motion,

Passed and title agreed to.

H. F. No. 12, "A bill for an act to amend an act entitled 'An act to regulate the sale of malt, spiritous and vinous liquors in the Territory of Nebraska,'"

Was taken up.

Mr. Lockwood moved to go into Committee of the Whole on said bill.

Lost.

On motion,

Further consideration of the bill was postponed.

Mr. Lockwood of Dakota, moved that no bill from the Council be printed without a special order of the House.

Carried.

Mr. Matthias of Otoe, moved that

H. F. No. 1, "A bill for an act to establish the rate of interest on money and on contracts,"

Be taken up.

Carried.

On motion of Mr. Cleburne of Sarpy,

The bill was ordered reprinted.

Thursday, December 27th, 1860.

H. F. No. 63, "A bill for an act to establish a territorial road from Dakota city to Fort Kearney."

Read third time.

On motion

Passed and title agreed to.

H. F. No. 56, "A bill for an act to enable the register of deeds and county clerk to appoint the other his deputy."

Read third time.

On motion,

Passed and title agreed to.

H. F. No. 59, "A bill for an act to create the office of prosecuting attorney, and to abolish the office of district attorney,"

Was taken up.

Mr. Cavins moved to amend the bill by inserting in the third line of Sec. 2, the words "or the county to which he has been elected."

Carried.

On motion,

The bill was ordered engrossed for a third reading.

On motion of Mr. Mullen of Cass,

H. F. No. 36, "A memorial and joint resolution asking Congress for an appropriation for a tri-weekly mail route from Plattsmouth to Fort Kearney,"

Was ordered engrossed for a third reading to-morrow.

The following notices of bills were given:

By Mr. Cleburne of Sarpy,

Of a bill providing for the bonding of the present indebtedness of the counties, and for other purposes.

Also,

Of a bill to regulate of the road fund, and to define the duties of supervisors.

By Mr. Sibley of Otoe.

Of a bill to vacate a part of the town plat of Elmwood city and Greggspport in Otoe county.

The Committee on Incorporations, to which was referred

H. F. No. 83, "A bill for an act to authorize Eliza K. Mitchell and Alexander Hunter to keep a mill-dam across Mill creek at Florence, N. T.,"

Have had the same under consideration, and recommend its passage without amendment.

WM. R. REED, Chairman.

The Committee on Common Schools, to which was referred

C. B. No. 36, "Joint resolution and memorial relative school lands in the fractional townships in Nebraska Territory,"

Have had the same under consideration, and beg leave to report the same back to the House and recommend its passage without amendment.

LOUDEN MULLEN, Chairman.

The Committee on Printing, to which was referred

H. F. No. 69, "A bill to provide for the publication of certain laws in county newspapers,"

Respectfully report that they have had the same under consideration and recommend its passage without amendment.

ALFRED MATHIAS,  
H. W. PARKER,  
SAMUEL A. LOWE,  
T. R. FISHER,  
H. B. PORTER.

On motion of Mr. Clark of Douglas,  
The House adjourned at 4½ o'clock, P. M.

GEO. L. SEYBOLT, Chief Clerk.

HOUSE OF REPRESENTATIVES,  
Friday, December 28th, 1860. }

The House met pursuant to adjournment.

The Speaker in the chair.

Prayer by the Chaplain.

Journal read and approved.

The Speaker announced as a special committee on the Governor's Message of yesterday.

Messrs. Reddick, Downs, Gates, Porter and Hyde.

Mr. Grebe of Douglas, presented the petition of A. B. Malcomb and thirty others praying for the passage of a bill to create the office of precinct assessor.

Mr. Parker of Clay, gave notice

Of a bill for an act to resurvey a part of the territorial road from Nebraska city to Tecumseh.

Mr. Barrett of Dixon, on leave, introduced

H. F. No. 94, "A bill for an act to locate a territorial road from St. Johns to Ionia."

Read the first time, and

On motion,

Rules suspended, read second time by its title and referred to Committee on Roads.

Mr. Mathias of Otoe, on leave, introduced

H. F. No. 95, "A bill for an act to equalize the territorial tax heretofore assessed."

Read first time, and

On motion,

Rules suspended, read a second time by its title and referred to Committee on Accounts and Expenditures.

Mr. Parker of Clay, chairman of the Committee on Engrossed and Enrolled Bills, submitted the following report:

*Mr. Speaker :*

Your Committee on Engrossed and Enrolled Bills report

H. F. No. 59, "A bill for an act to create the office of prosecuting attorney, and to abolish the office of district attorney."

Also,

H. F. No. 36, "A memorial and joint resolution asking Congress to establish a tri-weekly mail route from Plattsmouth, in Cass county, N. T., to Fort Kearney, in said Territory."

Correctly engrossed.

H. W. PORTER, Chairman.

Mr. Gilmour of Cass, chairman of the Committee on Corporations submitted the following report:

*Mr. Speaker :*

Your Committee on Corporations to whom was referred:

H. F. No. 22, "A bill for an act to incorporate the Missouri and Western telegraph company."

Report the same back to the House and recommend its passage with the following amendments.

After the word "shall" in the third line of section nine insert "willfully and maliciously." In the twenty-fourth line of section ten, strike out the words "all coming time" and insert "for the term of this charter." In the third line of section eleven, strike out "ten" and insert "five," and recommend its passage.

WM. GILMOUR,  
S. P. SIBLEY,  
J. I. REDDICK,  
H. P. DOWNS.

Mr. Gilmour of Cass, chairman of the Committee on Corporations, submitted the following report:

*Mr. Speaker :*

Your Committee on Corporations beg leave to report back the following bills without recommendation:

C. F. No. 11, being "A bill for an act to authorize the erection of a mill dam across the Great Nemaha river in Richardson county,"

H. F. No. 65, "A bill for an act to legalize the acts of the Rulo town and ferry company,"

H. F. No. 20, "A bill to authorize Felix Kitch to keep a ferry across the Missouri at Rulo."

W. GILMOUR,  
S. P. SIBLEY.

Mr. Fisher of Nemaha, gave notice of

A bill to provide for an estray law.

Mr. Cleburne of Sarpy, on leave, introduced

H. F. No. 96, "A bill for an act to provide for the payment of the county indebtedness and for other purposes."

Read the first time, and

On motion,

Rules suspended, read second time by its title, and referred to a special committee of five.

Mr. Cleburne of Sarpy, on leave, introduced

H. F. No. 97, "A bill for an act to regulate the disposal of the road fund and to further define the duties of supervisors,"

Read the first time, and

On motion,

Rules suspended, read second time by its title, and referred to a special committee of five.

Mr. Reddick of Douglas, on leave, introduced

H. F. No. 98, "A bill for an act relative to notaries public."

Read the first time, and

On motion,

Rules suspended, read second time by its title, and referred to Committee on Militia.

Mr. Millard of Douglas, on leave, introduced

H. F. No. 99, "A bill for an act authorizing the sale of the franchise for a toll bridge across the Loup Fork river, and incorporating the purchaser or purchasers as a body corporate."

Read the first time, and

On motion of Mr. Reddick of Douglas,

Rules suspended, read second time by its title, and referred to Committee on Internal Improvements.

Mr. Mullen of Cass, chairman of the Committee on Schools, submitted the following report:

*Mr. Speaker:*

Your committee, to whom was referred

H. F. No. 30, "A memorial and joint resolution relative to the school lands of Nebraska,"

Have had the same under consideration, and report the same back to the House with the following amendment:

Strike out the words "sold, leased or otherwise," and insert in place thereof "held or," and recommend its passage.

LOUDEN MULLEN, Chairman.

Mr. Barnum of Cass, introduced

H. F. No. 100, "A bill for an act for the relocation of a territorial road in Cass county,"

Read the first time, and,

On motion,

Rules suspended, read a second time by its title and referred to Committee on Roads.

Mr. Downs of Otoe, on leave, introduced

H. F. No. 101, "An act to authorize the erection of a toll bridge across Salt creek."

Read the first time, and,

On motion,

Rules suspended, read second time by its title and referred to Committee on Corporations.

Mr. Davis of Cass, chairman of the Committee on County Boundaries and Seats, submitted the following report:

Your Committee, on County Seats and Boundaries, to whom was referred

“ A bill for an act to legalize the organization of Cuming county,”

Have had the same under consideration and respectfully report the same back to the House without amendment and recommend its passage.

W. R. DAVIS, Chairman.

Mr. Davis of Cass, chairman of the Committee on County Boundaries and Seats, submitted the following report:

*Mr. Speaker :*

Your Committee on County Seats and Boundaries, to whom was referred

H. F. No. 88, “ A bill for an act to regulate the laying out of towns and villages.”

Have had the same under consideration and report the same back to the House without recommendation.

W. R. DAVIS, Chairman.

Mr. Whaley of Platte, chairman of the Committee on Federal Relations, submitted the following report:

*Mr. Speaker :*

Your Committee on Federal Relations have had under consideration the following bills and beg leave to report the same back to the House and recommend their passage.

C. B. No. 32, being “ A joint resolution and memorial for an appropriation by Congress for a hospital at Fort Kearney, Nebraska;”

H. F. No. 70, being “ A joint resolution and memorial asking Congress for an appropriation to construct a bridge over Platte river, at or near its mouth;”

H. F. No. 74, being “ A memorial and joint resolution relative to the establishment of a tri-weekly mail route from Dakota city to Fort Randall;”

Also,

H. F. No. 75, being “ A joint resolution and memorial relative to certain land claimed by the war department as the Fort Kearney reservation.

CHAS. H. WHALEY, Chairman.

Mr. Clark of Douglas, moved that the Committee on Privileges and Elections be ordered to report the bill for the apportionment of the Territory.

Carried.

Mr. Lockwood of Dakota, chairman of the Committee on Judiciary, submitted the following report:

*Mr. Speaker :*

Your committee report back the following bills and recommend their passage:

H. F. No. 73, " A bill for an act to allow the funding of the indebtedness of the Territory."

C. B. No. 42, " An act relative to appeals."

C. B. No. 12, " A bill for an act to vacate the town of Archer in Richardson county."

H. F. No. 39, " A bill for an act to define the duties of county commissioners and county clerk."

H. F. No. 57, " A bill for an act to legalize the business of the Territorial Auditor and Treasurer."

H. F. No. 81, " A bill for an act relative to jury trials in the district court."

H. F. No. 84, " A bill for an act to legalize the election of county officers in Hall county,"

Your committee also report

H. F. No. 78, " A bill for an act to abolish the office of county recorder, and to merge the duties of said office into county clerk,"

Without recommendation.

WM. F. LOCKWOOD, Chairman.

Mr. Cavins of Otoe, chairman of the Committee on Ways and Means, submitted the following report:

*Mr. Speaker :*

Your committee, to whom was recommitted

H. F. No. 44, " A bill for an act to amend an act entitled ' An act to provide for the valuation and assessment of the real and personal property, and for the levying and collection of taxes in the Territory of Nebraska,'"

Report the same back to the House without recommendation.

A. G. CAVINS, Chairman.

Mr. Whaley of Platte, chairman of the Committee on Federal Relations, submitted the following report:

*Mr. Speaker :*

Your Committee on Federal Relations have considered, and ask leave to report back without recommendation the following bills, viz.:

H. F. No. 79, being " A memorial relative to a tri-weekly mail service between Columbus and Fort Kearney,"

Also,

H. F. No. 87, being " A joint resolution for the relief of F. Wilkinson, from the Boulder."

CHAS. H. WHALEY, Chairman.

H. F. No. 59, " A bill for an act to create the office of prosecuting attorney, and to abolish the office of district attorney."

Read a third time, and

On motion,

Passed and title agreed to.

H. F. No. 36, "A memorial and joint resolution asking Congress to establish a tri-weekly mail route from Plattsmouth, Cass county, N. T., to Fort Kearney, in said Territory."

Read a third time, and

On motion,

Passed and title agreed to.

Mr. Parker of Clay, chairman of the Committee on Engrossed and Enrolled Bills, submitted the following report:

*Mr. Speaker:*

You committee ask leave to report that they have this day presented to the Governor for his approval:

"An act to prohibit slavery."

"An act to vacate block number fourteen in the town of Ponca, in Dixon county."

H. W. PARKER, Chairman.

H. F. No. 1, "A bill for an act to regulate and establish the rate of interest on money and on contracts."

Taken up.

Mr. Millard of Douglas, moved that the House go into Committee of the Whole on said bill.

Lost.

Sections 1, 2, 3 and 4, adopted without amendment.

Mr. Lockwood of Dakota, moved to postpone the further consideration of the bill until 2 o'clock P. M.

Lost.

Mr. Hyde of Burt, moved to amend section five, by striking out of the fourth line "without interest" and insert therein "with legal interest and cost."

Upon which the ayes and nays were demanded with the following result:

Ayes—Messrs. Clark, Hedde, Hyde, Lockwood, Lowe, Mead, Millard, and Mullen.—8.

Nays—Messrs Acton, Baker, Barnum, Beane, Cavins, Chase, Cleburne, Coleman, Cowles, Davidson, Davis, Downs, Fisher, Fowler, Gates, Grebe, Griffin, Hacker, Mathias, Parker, Porter, Reddick, Reed, Sibley, Sollenberger, Tisdell and Whaley.—27.

Lost.

The following message was received from the Governor:

EXECUTIVE CHAMBER,  
Omaha, Dec. 28th, 1860. }

To the Honorable the House of Representatives of the Territory of Nebraska:

*Mr. Speaker:*

I am instructed by the Governor to inform your honorable body that he has signed and approved



"An act to vacate block number fourteen in the town of Ponca, in Dixon county."

JOHN MCCONNIE,  
Private Secretary.

Mr. Lockwood of Dakota, moved to amend by striking out all after the words "void" in second line, and also the word "not" in the same line.

On which the ayes and nays were demanded with the following result:

Ayes—Messrs. Barnum, Barrett, Cotterell, Davidson, Gates, Griffin, Hyde, Lockwood, Lowe, Mead, Millard, Mullen and Tisdell.—13.

Nays—Messrs. Acton, Baker, Beane, Cavins, Clark, Chase, Cleburne, Coleman, Cowles, Davis, Downs, Fisher, Fowler, Gilmour, Grebe, Hacker, Hedde, Matthias, Parker, Porter, Reddick, Reed, Sibley, Sollenberger, and Whaley.—25.

Lost.

Mr. Davis of Cass, moved that the bill be read a third time and put upon its passage.

Withdrawn.

Mr. Millard of Douglas, moved to amend sec. 6, by striking out the word "any" in the first line and inserting therein the word "no."

Upon which the ayes and nays were demanded, with the following result:

Ayes—Messrs. Barnum, Barrett, Clark, Cotterell, Hedde, and Millard.—6.

Nays—Messrs. Acton, Baker, Beane, Cavins, Chase, Cleburne, Coleman, Cowles, Davidson, Davis, Downs, Fisher, Fowler, Gates, Gilmour, Grebe, Griffin, Hacker, Hyde, Lockwood, Lowe, Matthias, Mullen, Parker, Porter, Reddick, Reed, Sibley, Sollenberger, Tisdell and Whaley.—31.

Lost.

Mr. Lockwood moved to strike out all of sec. 7,

Pending which,

The House took a recess until 2½ o'clock, P. M.

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*Afternoon Session—2½ o'clock P. M.*

House met at 2½ o'clock, P. M. and resumed business.

The Speaker announced as a special committee on H. F. No. 96 and H. F. No. 97,

Messrs. Cleburne, Cavins, Mathias, Griffin, and Downs.

H. F. No. 1, "A bill for an act to regulate and establish the rate of interest on money and on contracts."

Taken up.

The question occurring on Mr. Lockwood's motion to strike out sec. 7.

It was lost.

Secs. 8 and 9,

Adopted.

Mr. Fisher of Nemaha, moved to amend sec. 10, by striking out the words "its passage" and inserting therein "1st March, 1861."

Mr. Lockwood of Dakota, moved to amend the amendment by inserting "11th October, 1861."

Mr. Downs of Otoe, moved to lay the amendment to the amendment on the table.

Carried.

Mr. Millard of Douglas, moved to amend, by adding to the bill that after its passage it shall be submitted to a vote of the people.

Lost.

The question occurring upon the amendment proposed by Mr. Fisher of Nemaha.

It was adopted.

Mr. Cleburne of Sarpy, moved to add the following as a new section: "Sec. 10. Section 4 of an act entitled 'An act relative to money of account and interest,' approved March 14th, 1855, and all acts and parts of acts inconsistent with this act are hereby repealed."

Carried.

Mr. Lockwood of Dakota, moved to strike out "fifteen" and insert "twenty" in the 2d line of sec. 1 and in the last part of said section the words "or in advance."

Upon which the ayes and nays were demanded with the following result.

Ayes—Messrs. Barnum, Clark, Coleman, Davis, Gilmour, Griffin, Hedde, Hyde, Lockwood, Millard, Mullen, Tisdell and Whaley.—13.

Nays—Messrs. Acton, Beane, Cavins, Chase, Cleburne, Cotterell, Cowles, Davidson, Downs, Fisher, Fowler, Gates, Grebe, Hacker, Lowe, Mathias, Parker, Porter, Reddick, Reed, Sibley and Sollenberger.—22.

Lost.

Mr. Lockwood of Dakota, moved to add as sec. 11 of said bill the following: "That this act shall not be in force nor affect the county of Dakota."

Upon which the ayes and nays were demanded with the following result:

Ayes—Messrs. Acton, Barrett, Cleburne, Coleman, Cotterell, Cowles, Fisher, Griffin, Hacker, Hedde, Hyde, Lockwood, Mead, Millard and Mullen.—15.

Nays—Messrs. Barnum, Beane, Cavins, Chase, Clark, Davidson, Davis, Downs, Fowler, Gates, Gilmour, Grebe, Lowe, Mathias, Parker, Porter, Reddick, Reed, Sibley, Sollenberger and Whaley.—21.

Lost.

Mr. Millard of Douglas, moved that the following be added as sec. 11:

"This act shall not affect contracts for loans made for a shorter period than six months."

Lost.

Mr. Downs of Otoe, moved that the bill be ordered engrossed for a third reading to-morrow.

Carried.

Mr. Davis of Cass, moved that the special order for to-day being a resolution declaring that A. M. Acton is not and that E. J. Davenport is entitled to a seat in this House as a member from Richardson county be taken up.

Carried.

Mr. Downs of Otoe, moved for a call of the House.

Call had.

Absent—Messrs. Baker and Whaley.

Mr. Reddick of Douglas moved that all further proceedings under the call be dispensed with.

Upon which the ayes and nays were demanded with the following result:

Ayes—Messrs. Cavins, Clark, Cleburne, Downs, Gates, Grebe, Griffin, Hyde, Lockwood, Millard, Reddick, Sibley and Tisdell.—13.

Nays—Messrs. Barnum, Barrett, Beane, Chase, Coleman, Cotterell, Cowles, Davidson, Davis, Fisher, Fowler, Gilmour, Hacker, Hedde, Mathias, Mead, Mullen, Parker, Porter, Reed and Sollenberger.—21.

Lost.

Mr. Parker of Clay, moved that the Sergeant-at-Arms be dispatched for absentees.

Carried.

Mr. Whaley having appeared within the bar of the House,

On motion of Mr. Cleburne of Sarpy, all further proceedings under the call were dispensed with.

Mr. Reddick of Douglas, asked for a division of the question on the resolution.

Question divided.

The following message was received from the Council:

COUNCIL CHAMBER,  
December 28th, 1860. }

*Mr. Speaker :*

I am instructed to inform your Honorable body that the Council has passed

H. F. No. 34, "A memorial and joint resolution relative to the organization of the Territory of Jefferson."

Also,

H. F. No. 16, "A bill to authorize the sale of cast iron of the Territory of Nebraska,"

- With the following amendments, which are attached to said bill.

Also,

C. F. No. 38, "A joint resolution and memorial relative to school lands in Nebraska territory."

Also,

C. F. No. 18, "A bill for an act to incorporate the Baptist church of Cuming city."

C. F. No. 40, "An act relative to divorce,"

And your concurrence therein is respectfully requested.

E. P. BREWSTER, Chief Clerk.

H. F. No. 6, amendments by the Council:

Section 1. In the 4th line strike out the word "forthwith."

Strike out all of section 3.

So amend section 6 as to read as follows: This act to take effect and be in force from and after the expiration of the term of office of the present school commissioner and the election and the qualification of the present Auditor of the Territory.

H. F. No. 16, strike out all preceding the 1st section.

The 2d section to be changed to the 3d.

The following to be inserted as the 2d section: That the money arising from the sale of the said cast iron be applied by the said Auditor to the school fund of this Territory.

Mr. Parker of Clay, moved the previous question.

Mr. Cleburne of Sarpy, moved to lay the motion for the previous question on the table.

The previous question not seconded.

Mr. Reddick of Douglas, moved that the further consideration of the question be postponed until Monday at 11 o'clock P. M.

Mr. Millard of Douglas, moved to adjourn.

Upon which the ayes and nays were demanded with the following result:

Ayes—Messrs. Cavins, Chase, Cleburne, Cotterell, Gilmour, Grebe, Lockwood, Mathias, Mead, Millard and Reddick.—11.

Nays—Messrs. Barnum, Barrett, Beane, Clark, Coleman, Cowles, Davidson, Davis, Downs, Fisher, Fowler, Gates, Griffin, Hacker, Hyde, Lowe, Mullen, Parker, Porter, Reed, Sibley, Sollenberger and Whaley.—22.

Lost.

Mr. Sollenberger of Otoe, moved that the House take a recess until 7 o'clock P. M.

Upon which the ayes and nays were demanded with the following result:

Ayes—Messrs. Barrett, Cavins, Chase and Sollenberger.—4.

Nays—Messrs. Acton, Beane, Clark, Cleburne, Coleman, Cotterell, Cowles, Davidson, Davis, Downs, Fisher, Fowler, Gates, Gilmour, Grebe, Griffin, Hacker, Hyde, Lockwood, Lowe, Mathias, Mead,

Millard, Mullen, Parker, Porter, Reddick, Reed, Sibley and Whaley.—30.

Lost.

Mr. Clark of Douglas, moved that the resolution be indefinitely postponed.

Call of the House had.

Absent—Mr. Baker.

On motion of Mr. Reddick of Douglas,

All further proceedings under the call were dispensed with.

The question occurring on the motion to indefinitely postpone,

The ayes and nays were demanded with the following result:

Ayes—Messrs. Barrett, Cavins, Chase, Clark, Cleburne, Coleman, Downs, Gates, Grebe, Hyde, Lowe, Mead, Millard, Porter, Reddick and Tisdell.—17.

Nays.—Messrs. Barnum, Beane, Cotterell, Cowles, Davidson, Davis, Fisher, Fowler, Gilmour, Griffin, Hacker, Hedde, Mathias, Mullen, Parker, Reed, Sibley, Sollenberger and Whaley.—19.

Lost.

Mr. Mathias of Otoe, moved to adjourn.

Carried.

The House at 5½ o'clock P. M. adjourned.

GEO. L. SEYBOLT, Chief Clerk.

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HOUSE OF REPRESENTATIVES,  
Saturday, December 29th, 1860. }

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

The journal read and approved.

Mr. Davidson of Sarpy, gave notice

Of a bill to provide for the punishment of firing prairies.

Mr. Coleman of Dakota, on leave, introduced

H. F. No. 102, "A bill for an act to incorporate St. John's distillery company,"

Read the first time, and

On motion,

Rules suspended, read second time by its title, and referred to Committee on Corporations.

Mr. Clark of Douglas, introduced the following:

Whereas, It was generally understood and admitted by members of this House, in the admission of Frederick Hedde, as a member from the

county of Hall, that no legal election was held therein on the ninth of October, A. D. 1860; therefore

Resolved, That this House will countenance no attempt on the part of the member from that county, or from any other source to pass an act legalizing an election held in plain violation of the law of this Territory; and that as the same admission has been made by the sitting member of Hall county by the introduction of a bill to legalize such election; be it therefore

Resolved, That as Frederick Hedde is occupying a seat on this floor in non-compliance with any law of this Territory, his seat be and is hereby declared vacant.

Laid over under the rule.

Mr. Barrett of Dixon, on leave, introduced

H. F. No. 103, "A bill for an act to legalize the acts of the county commissioners of Dixon county."

Read the first time, and

On motion,

Rules suspended, read second time by its title, and referred to Committee on Corporations.

Mr. Lowe of Douglas, offered the following:

Resolved, That a committee of five be appointed by the Speaker, to confer with a like committee on the part of the Council, in regard to the existing troubles of our common country.

Laid over under the rule.

Mr. Barrett of Dixon, chairman of the Committee on Roads, submitted the following report:

*Mr. Speaker:*

Your committee, to whom was referred

H. F. No. 100, "A bill for an act for the relocation of a territorial road in Cass county,"

Also,

H. F. No. 94, "An act to locate a territorial road from St. Johns to Ionia, Nebraska Territory,"

Have had the same under consideration, and beg leave to report the same back to the House and recommend their passage.

JAMES BARRETT, Chairman.

Mr. Reed of Cass, chairman of the Committee on Internal Improvements, submitted the following report:

*Mr. Speaker:*

Your Committee on Internal Improvements, to whom was referred

H. F. No. 99, "An act authorizing the sale of the franchise for a toll bridge across the Loup Fork river and incorporating the purchaser or purchasers as a body corporate,"

Having had the same under consideration report it back to the House without amendment and recommend its passage.

W. H. REED, Chairman.

JOHN P. BAKER,

JAMES DAVIDSON.

Mr. Parker of Clay, chairman of the Committee on Engrossed and Enrolled Bills, submitted the following report:

*Mr. Speaker :*

Your Committee on Engrossed and Enrolled Bills beg leave to report H. F. No. 1, "A bill for an act to regulate and establish the rate of interest on money and contracts,"

Correctly engrossed.

H. W. PARKER, Chairman.

Mr. Lockwood of Dakota, chairman of the Committee on Judiciary, submitted the following report:

*Mr. Speaker :*

Your committee to whom was referred

H. F. No. 42, "A bill for an act to amend 'An act to exempt the homestead and certain articles of personal property from forced sale on execution;'"

Also,

H. F. No. 53, "An act to exempt a certain amount of property from forced sale on execution to pay debts;"

Also,

H. F. No. 64, "An act entitled an act to exempt a certain amount of property from forced sale on execution,"

And report the same back to the House with the accompanying substitute for said bills.

WM. F. LOCKWOOD, Chairman.

Mr. Reddick of Douglas, moved that

H. F. No. 104, a substitute, "A bill for an act to exempt a homestead and a certain amount of property from forced sale in certain cases,"

Be made a special order for Tuesday next.

Mr. Downs of Otoe, moved that the substitute, together with the original bills, be printed.

Carried.

Mr. Mullen of Cass, from a special committee composed of the members of Cass county, submitted the following report:

*Mr. Speaker :*

Your special committee to whom was referred

H. F. No. 33, "A bill for an act to locate and establish a territorial road from Plattsmouth to Fort Kearney, Nebraska Territory,"

Have had the same under consideration and a majority of the committee have agreed on a substitute, and ask that the same be adopted.

Saturday, December 29th, 1860.

All of which is respectfully submitted.

LOUDON MULLEN, Chairman,  
W. H. REED,  
E. H. BARNUM.

Mr. Parker of Clay, introduced

H. F. No. 106, "A bill for an act to resurvey a part of the territorial road from Nebraska city, in Otoe county, to Tecumseh in Johnson county."

Read the first time, and

On motion,

Rules suspended, read second time by its title and referred to Committee on Roads.

Mr. Sollenberger of Otoe, introduced

H. F. No. 107, "A bill to locate a territorial road from Nebraska city to New Fort Kearney."

Read the first time, and

On motion,

Rules suspended, read second time by its title and referred to Committee on Roads.

Mr. Lowe of Douglas, from a special committee to whom was referred

H. F. No. 9, "An act to incorporate a seminary to be located in Elkhorn city, Douglas county, Nebraska territory,"

Report the same back to the House with the following amendment:

Strike out all the last part of section 7, commencing with the word "Provided."

H. F. No. 16, "A bill to authorize the sale of the cast iron of the Territory of Nebraska."

Taken up.

Mr. Lockwood of Dakota, moved that the House agree to the amendments proposed by the Council to said bill.

Carried.

And amendments agreed to.

H. F. No. 6, "A bill for an act to abolish the office of territorial school commissioner."

Taken up.

The question being, "Shall the House agree in the amendments proposed by the Council to said bill?"

Lost.

The following resolution, which was made the special order for to-day:

Resolved, That A. M. Acton is not entitled to the seat he now occupies.

Taken up,

Mr. Reddick of Douglas, moved to postpone the consideration of the resolution until the 1st Monday in January.

Call of the House had.



**Absent—Mr. Barrett.**

Mr. Griffin of Douglas, moved that all further proceedings under the call be dispensed with.

Mr. Chase of Cedar, moved that the Sergeant-at-Arms be dispatched for absentees.

Carried.

Mr. Barrett having appeared within the bar of the House,

On motion,

All further proceedings under the call were dispensed with.

Mr. Reddick of Douglas, moved that the contestee be allowed to speak upon the resolution.

Carried.

Call of the House had.

All present.

Mr. Reddick of Douglas, moved that the Sergeant-at-Arms be dispatched for absentees.

Withdrawn.

On motion,

All further proceedings under the call were dispensed with.

The question recurring on the resolution declaring that A. M. Acton is not entitled to a seat in this body.

The ayes and nays were demanded with the following result:

Ayes—Messrs. Baker, Barnum, Beane, Cotterell, Cowles, Davidson, Davis, Fisher, Fowler, Gilmour, Griffin, Hacker, Hedde, Mathias, Mullen, Parker, Reed, Sollenberger, Whaley, and Mr. Speaker.—20.

Nays—Messrs. Barrett, Cavins, Chase, Clark, Cleburne, Coleman, Downs, Gates, Grebe, Hyde, Lockwood, Lowe, Mead, Millard, Porter, Reddick, Sibley and Tisdell.—18.

Resolution adopted.

Mr. Clark of Douglas, offered the following as an amendment to the resolution declaring E. J. Davenport entitled to a seat in this body.

Resolved, That E. J. Davenport is not entitled to a seat in this body as a member from Richardson county.

Mr. Reddick of Douglas, rose to a point of order.

That no reporter shall leave his seat during the sitting of the House without permission of the Speaker.

Overruled.

Mr. Reddick of Douglas appealed from the decision of the chair.

The question being, "Shall the decision of the chair stand as a decision of the House?"

Carried.

Mr. Lockwood of Dakota, moved that the House take a recess until 2 o'clock, P. M.

Lost.

Mr. Lockwood of Dakota moved to adjourn.

Upon which the ayes and nays were demanded, with the following result:

Ayes—Messrs. Cavins, Chase, Clark, Coleman, Hyde, Lockwood, Porter and Tisdell.—8.

Nays—Messrs. Baker, Barnum, Beane, Cleburne, Cotterell, Cowles, Davidson, Davis, Downs, Fisher, Fowler, Gates, Gilmour, Grebe, Griffin, Hacker, Hedde, Lowe, Mathias, Millard, Mullen, Parker, Reddick, Reed, Sibley, Sollenberger and Whaley.—27.

Lost.

Call of the House had.

Absent—Messrs. Barrett, Cavins, and Mead.

Mr. Lockwood of Dakota, moved that the Sergeant-at-Arms be dispatched for absentees.

Carried.

The absentees having appeared within the bar of the House,

On motion of Mr. Parker of Clay,

All further proceedings under the call were dispensed with.

Mr. Mathias of Otoe, moved that the amendment to the resolution be laid on the table.

Mr. Reddick of Douglas, moved to adjourn until Monday morning at 10 o'clock.

Upon which the ayes and nays were demanded, with the following result:

Ayes—Messrs. Barrett, Cavins, Chase, Clark, Coleman, Downs, Gates, Grebe, Hyde, Lockwood, Lowe, Mead, Millard, Porter, Reddick and Tisdell.—16.

Nays—Messrs. Baker, Barnum, Beane, Cleburne, Cotterell, Cowles, Davidson, Davis, Fisher, Fowler, Gilmour, Griffin, Hacker, Hedde, Mathias, Mullen, Parker, Reed, Sibley, Sollenberger and Whaley.—21.

Lost.

The question occurring upon the motion to lay upon the table.

The ayes and nays were demanded, with the following result:

Ayes—Messrs. Baker, Barnum, Beane, Cotterell, Cowles, Davis, Fisher, Fowler, Gilmour, Griffin, Hacker, Hedde, Mathias, Mullen, Parker, Reed, Sibley, Sollenberger and Whaley.—19.

Nays—Messrs. Barrett, Cavins, Chase, Clark, Cleburne, Coleman, Davidson, Downs, Gates, Grebe, Hyde, Lockwood, Lowe, Mead, Millard, Porter, Reddick and Tisdell.—18.

Carried.

Mr. Lockwood of Dakota, moved to take a recess until 2 P. M.

Mr. Mead of Washington, moved to adjourn.

The question being on the motion to adjourn.

The ayes and nays were demanded with the following result;

Ayes—Messrs. Barrett, Cavins, Chase, Clark, Cleburne, Coleman, Gates, Grebe, Hyde, Lockwood, Mead, Millard, Porter, Reddick and Tisdell.—15.

Nays—Messrs. Baker, Barnum, Beane, Cotterell, Cowles, Davidson, Davis, Downs, Fisher, Fowler, Gilmour, Griffin, Hacker, Hedde, Lowe, Mathias, Mullen, Parker, Reed, Sibley, Sollenberger and Whaley.—22.

Lost.

The question occurring on the motion to take a recess.

The ayes and nays were demanded with the following result:

Ayes—Messrs. Barrett, Cavins, Chase, Clark, Cleburne, Coleman, Downs, Gates, Grebe, Hyde, Lockwood, Lowe, Mead, Millard, Porter, Reddick and Tisdell.—17.

Nays—Messrs. Baker, Barnum, Beane, Cotterell, Cowles, Davidson, Davis, Fisher, Fowler, Gilmour, Griffin, Hacker, Hedde, Mathias, Mullen, Parker, Reed, Sollenberger and Whaley.—19.

Lost.

Mr. Parker of Clay, moved the previous question.

Division called for.

Count challenged.

New count had, and

The previous question was seconded.

The question being "Shall the main question be now put?"

It was decided in the affirmative.

The question being on the resolution.

The ayes and nays were demanded with the following result:

Ayes—Messrs. Baker, Barnum, Beane, Cotterell, Cowles, Davis, Fisher, Fowler, Gilmour, Griffin, Hacker, Hedde, Mathias, Mullen, Parker, Reed, Sollenberger and Whaley.—18.

Nays—Messrs. Barrett, Cavins, Chase, Clark, Cleburne, Coleman, Davidson, Downs, Gates, Grebe, Hyde, Lockwood, Lowe, Mead, Millard, Porter, Reddick, Sibley and Tisdell.—19.

Lost.

Mr. Lockwood of Dakota, moved that the House take a recess until 2½ o'clock P. M.

Carried.

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*Afternoon Session—2 o'clock P. M.*

The House met.

Mr. Parker of Clay, chairman of the Committee on Engrossed and Enrolled Bills, submitted the following report:

*Mr. Speaker :*

Your Committee on Engrossed and Enrolled Bills report, that they

have this day presented to the Governor for his approval, the following bills:

"An act to authorize the sale of cast iron of the Territory of Nebraska."

Also,

"Memorial and joint resolution asking for the organization of the Territory of Jefferson."  
H. W. PARKER, Chairman.

H. F. No. 1, "A bill for an act to regulate and establish the rate of interest on money and contracts."

Taken up.

Mr. Millard of Douglas, moved that the bill be recommitted to the Committee on Ways and Means, with instructions to add the following as a new section:

"This act shall not affect contracts for money loaned for a shorter period than four months, but in any case where interest is compounded this act shall apply, provided no note shall be renewed under this section."

The question being upon the recommitment of the bill,

The ayes and nays were demanded with the following result:

Ayes—Messrs. Barnum, Barrett, Clark, Coleman, Hedde, Lockwood, Millard and Mullen.—8.

Nays—Messrs. Baker, Beane, Chase, Cleburne, Cotterell, Cowles, Davidson, Davis, Downs, Fowler, Gates, Gilmour, Grebe, Griffin, Hacker, Hyde, Lowe, Matthias, Parker, Porter, Reddick, Reed, Sibley, Sollenberger, Tisdell and Whaley.—26.

Lost.

Bill read a third time.

The question being on its passage,

The ayes and nays were demanded with the following result:

Ayes—Messrs. Baker, Barnum, Beane, Cavins, Chase, Clark, Cleburne, Coleman, Cowles, Davidson, Davis, Downs, Fisher, Fowler, Gates, Gilmour, Grebe, Griffin, Hacker, Lowe, Mathias, Mead, Mullen, Parker, Porter, Reddick, Reed, Sollenberger, Tisdell and Whaley.—30.

Nays—Messrs. Barrett, Cotterell, Hedde, Hyde, Lockwood and Millard.—6.

Bill passed, and

Title agreed to.

H. F. No. 81, "A bill for an act relating to jury trial in the district court."

Read a third time.

On motion,

Passed and title agreed to.

H. F. Nos. 44 and 8, "A bill for an act to amend an 'Act entitled an act to provide for the valuation and assessment of real and personal property, and for the levying and collection of taxes in the Territory of Nebraska,'" "

With the several amendments reported by the Committee of the Whole.

Taken up.

The following message was received from the Governor:

EXECUTIVE CHAMBER, }  
Omaha, Dec. 29th, 1860. }

*Mr. Speaker :*

And gentlemen of the House of Representatives of the Legislative Assembly of the Territory of Nebraska:

I am requested by His Excellency Samuel W. Black, Governor of the Territory, to inform your honorable body that he has this day approved and signed

“Memorial and joint resolution asking for the organization of the Territory of Jefferson.”

And also,

“An act to authorize the sale of the cast iron of the Territory of Nebraska.”

JOHN MCCONIHIE,  
Private Secretary.

Mr. Lockwood of Dakota, moved that the following sections be incorporated in said bill:

“A bill for an act to amend an act entitled ‘An act to provide for the valuation and assessment of the real and personal property, and for the levying and collection of taxes in the Territory of Nebraska.’ ”

Sec. 1. Be it enacted by the Council and House of Representatives of the Territory of Nebraska, That all taxable personal property shall be listed and valued each year; all real property shall be listed and valued once in every year, beginning with the year 1861; that in the assessment of real property used and occupied exclusively for agricultural purposes, and other than lots, situated within the limits of any city, town or village, the assessor shall not value the same higher by reason of any improvements thereon, made exclusively for agricultural purposes, unless such improvements exceed the sum of \$1000, when such excess only shall be assessed.

§ 2. That the county commissioners shall according to law levy the taxes as herein directed, for territorial revenue as directed by our territorial board of equalization, but not to exceed one and a half mills on one dollar of the equalized assessments; for ordinary county revenue, including the support of the poor, not more than four mills on the dollar; for the support of schools not less than two mills nor more than four mills on the dollar; for roads a poll tax of one dollar, or one day's work and a land tax of three dollars to the quarter section to be paid in money or in labor at the rate of one dollar per day, at the option of the person so taxed, and the receipts of the district supervisor for labor done, shall be received by the county treasurer for their several amounts in an charge of said land tax: Provided, that the county commissioners of any county may by their order duly made at any regular meeting dispense with the levy or collection of the poll tax herein provided for.

Carried.

The following message was received from the Council:

COUNCIL CHAMBER,  
December 29th, 1860. }

*Mr. Speaker:*

I am directed to return to your honorable body

H. F. No. 36, "A memorial and joint resolution asking Congress to establish a tri-weekly mail route from Plattsmouth in Cass county, N. T., to Fort Kearney in said Territory."

Also,

H. F. No. 45, "A memorial and joint resolution relative to certain mail routes."

The same having passed the Council without amendment.

I am also instructed to inform your honorable body, that the Council have refused to recede from the amendments to

H. F. No. 6, "A bill for an act to abolish the office of Territorial School Commissioner,"

And that Messrs. Tipton, Thayer, have been appointed a committee of conference thereon.  
E. P. BREWSTER, Chief Clerk.

Mr. Clark of Douglas, moved that a committee of conference to consist of three members, be appointed on the part of the House, to confer with a like committee, appointed by the Council to consider the amendments proposed by the Council, to

H. F. No. 6, "A bill for an act to abolish the office of Territorial School Commissioner,"

Carried.

Messrs. Clark, Lockwood and Matthias appointed such committee.

Mr. Fisher of Nemaha, moved that the revenue bill be recommitted to a special committee of five, with instructions to incorporate in said bill so much of the old revenue law as is not inconsistent with this act.

Carried.

Messrs. Cleburne, Whaley, Hyde, Reed and Davidson, appointed such committee.

Mr. Lockwood of Dakota, moved that the committee be instructed to report said bill on Monday morning.

Mr. Griffin of Douglas, moved to amend by inserting Tuesday in place of Monday.

Carried.

On motion,

Mr. Whaley was excused from serving on said committee.

The chair appointed Mr. Sibley in his stead.

H. F. No. 25, "A bill for an act authorizing suits upon written instruments to be brought in the name by which the same are executed."

Taken up, and

Ordered engrossed for a third reading.

H. F. No. 105, substitute, "A bill for an act to locate and establish a

territorial road from Plattsmouth in Cass county, to Fort Kearney in Kearney county, Nebraska Territory."

Taken up.

Mr. Gilmour of Cass, moved that the following be added as an amendment to the bill: "Provided that Cass county shall not be charged with any more of the expense than in proportion to the distance laid out within the territory of said county of Cass."

Lost.

Bill read a third time.

On motion,

Passed and title agreed to.

Mr. Cleburne of Sarpy, moved that the special committee, to whom was referred the revenue bill, be allowed a clerk."

Carried.

C. B. No. 36, "Joint resolution and memorial relative to school lands in the fractional townships of Nebraska Territory."

Read a third time.

On motion,

Passed and title agreed to.

H. F. No. 80, "A bill for an act to define the time of convening the Territorial Legislature."

Taken up.

Mr. Fisher of Nemaha, moved to amend said bill, by striking out "1st Monday" and inserting "2d Monday."

Mr. Griffin of Douglas, moved to amend the amendment, by inserting "2d Tuesday."

Mr. Downs of Otoe, moved to lay the bill on the table.

Carried.

C. B. No. 32, "Memorial and joint resolution for an appropriation by Congress for a hospital at Fort Kearney, Nebraska Territory."

Read a third time,

On motion,

Passed and title agreed to.

H. F. No. 100, "A bill for an act for the re-locating of a territorial road in Cass county."

Bill read a third time.

On motion,

Passed and title agreed to.

H. F. No. 88, "A bill for an act to legalize the organization of Cum-  
ing county."

Read a third time.

On motion,

Passed and title agreed to.

H. F. No. 69, "A bill for an act to provide for the publication of cer-  
tain laws in county newspapers."

Taken up.

Mr. Downs of Otoe, moved to amend sec. 1, by striking out "may" and inserting "shall" in the 2d line of said section.

Lost.

Monday, December 31st, 1860.

Bill read a third time,

On motion,

Passed and title agreed to.

H. F. No. 88½, "A bill for an act to regulate the laying out of towns and villages."

Taken up.

Mr. Griffin of Douglas, moved that the bill be laid on the table.

Not entertained.

The bill ordered printed.

H. F. No. 65, "A bill for an act to legalize the acts of the Rulo town and ferry company."

Taken up.

Mr. Griffin of Douglas, moved to lay the bill on the table.

Mr. Sibley of Otoe, moved to adjourn.

Carried.

Geo. L. SEYBOLT, Chief Clerk.

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HOUSE OF REPRESENTATIVES,  
Monday, December 31st, 1860. }

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Journal read and approved.

Mr. Grebe of Douglas presented the petition of W. H. Russell and nineteen others, praying for a territorial road from Rockport, in Washington county, to the town of Elkhorn, in Douglas county.

Mr. Grebe of Douglas, on leave, introduced

H. F. No. 108, "A bill for an act to locate a territorial road from Rockport, in Washington county, to Elkhorn, in Douglas county."

Read first time.

On motion,

Rules suspended, and bill read second and third times by title.

Passed and title agreed to.

Mr. Gilmour of Cass, introduced

H. F. No. 109, "A bill for an act to grant extension of time to the Missouri and Pacific rail road company, and to increase the names of the corporators."

Read first time.

On motion of Mr. Downs of Otoe,

Rules suspended, and bill read second time by title and referred to the Committee on Corporations.

The Committee on Engrossed and Enrolled Bills beg leave to report that



H. F. No. 25, "A bill for an act authorizing suits upon written instruments to be brought in the name by which the same are executed,"  
Is correctly engrossed. H. W. PARKER, Chairman.

Mr Reed of Cass, introduced

H. F. No. 110, "A bill for an act to establish a territorial road from Weeping Water falls, Cass county, to Salt creek, crossing in Lancaster county."

Read first time.

On motion,

Rules suspended and bill read second time by title and referred to the Committee on Roads.

Mr. Hyde of Burt, introduced

H. F. No. 111, "A bill for an act to redefine the boundaries of Cumming county."

Read first time.

On motion,

Rules suspended and bill read second time by title and referred to the Committee on County Boundaries and County Seats.

The Committee on Roads to which was referred

H. F. No. 85, "An act to provide for the erection of a bridge across Badger creek,"

Have had the same under consideration and beg leave to report it back to the House without recommendation.

JAMES BARRETT, Chairman.

Mr. Clark of Douglas, introduced

H. F. No. 112, "Joint resolution for the relief of Geo. D. Thayer and Harman Hartman."

Read the first time.

On motion,

Rules suspended, and resolution read second time by title, and referred to the Committee on Accounts and Expenditures.

Mr. Mullen of Cass, gave notice

Of a bill for an act to amend "An act to incorporate a seminary to be located in Cass county, Nebraska Territory," approved Oct. 23, 1858.

Mr. Lockwood of Dakota, introduced

H. F. No. 113, "A bill for an act for the foreclosure of mortgages."

Read first time.

On motion,

Rules suspended, and bill read second time by title, and referred to the Committee on Judiciary.

Mr. Beane of Nemaha, introduced

H. F. No. 114, "A bill for an act to establish a territorial road from Nebraska city to Table Rock."

Read first time.

On motion.

Rules suspended, and bill read second time by title, and referred to the Committee on Roads.

The Committee on Engrossed and Enrolled Bills, report that

H. F. No. 36, "A memorial and joint resolution asking Congress to establish a tri-weekly mail route from Plattsmouth in Cass county to Fort Kearney, Nebraska Territory."

Also,

H. F. No. 45, "A memorial and joint resolution relative to certain mail routes."

Are correctly enrolled, and have this day been presented to the Governor for his approval.

H. W. PARKER, Chairman.

The Committee on Accounts and Expenditures to which was referred

H. F. No. 95, "An act to equalize territorial taxes."

Have had the same under consideration, and report it back to the House without amendment, and recommend its passage.

JAMES DAVIDSON, Chairman.

C. B. No. 18, "A bill for an act to incorporate the Baptist church of Cuming city."

Was taken up.

Read first time.

On motion,

Rules suspended, and bill read second time by title, and referred to the Committee on Corporations.

C. B. No. 38, "Joint resolution and memorial relative to school lands in Nebraska."

Read first time.

On motion,

Rules suspended, and joint resolution read second time by title and referred to the Committee on Common Schools.

The Committee on Highways, Roads and Bridges, to which was referred

H. F. No. 93, "An act to locate a territorial road from Nebraska city to Brownville;"

Also,

H. F. No. 106, "A bill for an act to resurvey a part of the territorial road from Nebraska in Otoe county to Tecumseh, in Johnson county;"

And,

H. F. No. 107, "A bill for an act to locate a territorial road from Nebraska city to New Fort Kearney, N. T.,"

Have had the same under consideration, and beg leave to report them back to the House with the recommendation that they pass.

JAMES BARRETT, Chairman.

Mr. Davidson of Sarpy, moved that the House go into Committee of the Whole on

H. F. No. 50, "A bill for an act to create the office of precinct assessor,"

And,

C. B. No. 27, "An act providing for the election of assessors."  
Withdrawn.

The special committee to which was referred

H. F. Nos. 44 and 8, "An act to amend an act entitled 'An act to provide for the assessment of real and personal property, and for the levying and collection of taxes,'"

With instructions to incorporate with the same those portions of the old revenue law not inconsistent with it, report that they have discharged the duty assigned, and submit the bill to the House for its consideration.

WM. CLEBURNE,  
JAMES DAVIDSON,  
S. P. SIBLEY,  
J. R. HYDE,  
W. H. REED.

Mr. Cleburne of Sarpy, moved that the revenue bill be made the special order for 2 o'clock this afternoon.

Carried.

Message from the Council.

COUNCIL CHAMBER, }  
Dec. 31st, 1860. }

*Mr. Speaker :*

I am instructed to inform your Honorable body that the Council have passed

C. B. No. 46, "An act to incorporate the Loup Fork bridge and ferry company."

Also,

C. B. No. 47, "A bill for an act authorizing the commissioners of Sarpy county to issue county bonds for certain purposes,"

And your concurrence therein is respectfully requested.

E. P. BREWSTER, Chief Clerk.

H. F. No. 38, "A bill for an act to incorporate the Loup Fork bridge and ferry company,"

Was taken up.

Mr. Reed of Cass, moved to postpone the further consideration of the bill until Wednesday, at 10 o'clock A. M.

Mr. Whaley of Platte, moved that the name of "John I. Reddick," be stricken out, and the name of "James G. Chapman" be inserted therein as one of the incorporators.

Lost.

Mr. Reddick of Douglas, moved to postpone further consideration of the bill, together with the other bills relative to the same subject, until the tenth day of January next.

Upon which the ayes and nays were demanded.

Ayes—Messrs. Beane and Cowles.—2.

Nays—Messrs. Baker, Barnum, Barrett, Cavins, Chase, Clark, Cleburne, Coleman, Cotterell, Davis, Downs, Fisher, Fowler, Gilmour,

Monday, December 31st, 1860.

Grebe, Griffin, Hacker, Hedde, Hyde, Lockwood, Lowe, Matthias, Millard, Mullen, Parker, Porter, Reddick, Reed, Sollenberger, Tisdell and Whaley.—31.

Lost.

Question recurring upon the motion to postpone until Wednesday next.

Carried.

Mr. Downs of Otoe, moved that the House go into Committee of the Whole on the several homestead bills.

Carried.

Mr. Sollenberger of Otoe, in the chair.

After remaining sometime therein the committee arose and through the chairman reported,

That the committee had under consideration the several homestead bills, and that they had made some progress therein, and asked leave to sit again.

Granted.

On motion of Mr. Downs of Otoe,

The House took a recess until 2½ o'clock P. M.

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*Afternoon Session—2½ o'clock P. M.*

House met.

Message from the Council.

COUNCIL CHAMBER,  
December 31st, 1860. }

*Mr. Speaker :*

I am instructed to return to your Honorable body

H. F. No. 37, "An act to establish a ferry across the Platte and Elkhorn rivers, in Sarpy county, N. T."

H. F. No. 7, "A bill for an act to locate a territorial road from St. James in Cedar county to Columbus in Platte county."

H. F. No. 52, "A bill for an act granting a bounty on sugar, manufactured from sorghum or sugar cane."

H. F. No. 46, "A memorial and joint resolution relative to a mail route from Nemaha city to Blue Springs in Gage county,"

And,

H. F. No. 24, "Memorial and joint resolution, praying Congress for an appropriation to defray the expenses of a geological survey,"

The same having passed the Council without amendment.

E. P. BREWSTER, Chief Clerk.

Mr. Parker of Clay, moved that the enrolling clerk be authorized to employ an assistant.

Carried.

Mr. Whaley of Platte, moved that two hundred copies of the list of "aye and nays" be printed for the use of the House.

Carried.

Mr. Cleburne of Sarpy, on leave, introduced  
H. F. No. 115. "A joint resolution in favor of Frederick Remer,"  
Read first time.

On motion,

Rules suspended and resolution read second and third time by its title.

Passed and title agreed to.

Message from the Executive.

EXECUTIVE CHAMBER,  
Omaha, Dec. 31st, 1860. }

To the Honorable the House of Representatives of the Territory of Nebraska:

*Mr. Speaker :*

I am instructed by the Governor to inform your honorable body, that he has signed and approved

"A memorial and joint resolution, asking Congress to establish a tri-weekly mail route from Plattsmouth in Cass county, to Fort Kearney in Nebraska Territory,"

And,

"A memorial and joint resolution relative to certain mail routes."

JOHN MCCONNIE, Private Secretary.

On motion of Mr. Cowles of Otoe,

The House went into Committee of the Whole on the several homestead bills.

Mr. Sollenberger of Otoe, in the chair.

After remaining sometime therein the committee arose, and through their chairman reported that the committee had under consideration

H. F. No. 104, "A bill for an act to exempt a homestead and a certain amount of personal property from forced sale in certain cases." "

And have directed me to report the same back to the House with several amendments which are attached to the bill, and recommend its passage as amended.

Report adopted.

On motion of Mr. Downs of Otoe,

The bill was ordered engrossed for a third reading to-morrow.

The Committee on Engrossed and Enrolled Bills beg leave to report:

H. F. No. 37, "An act to establish a ferry across the Platte and Elkhorn rivers in Sarpy county,"

Also,

H. F. No. 52, "An act granting a bounty on the manufacture of sugar from sorghum,"

Also,

H. F. No. 24, "Joint resolution and memorial praying Congress for an appropriation to defray the expenses of a geological survey,"

And,

H. F. No. 46, "A memorial and joint resolution relative to a mail route from Nemaha city to Blue Springs in Gage county,"

And,

H. F. No. 117, "An act to locate a territorial road from St. James to Columbus,"

As correctly enrolled and presented to the Governor for his approval.

H. W. PARKER, Chairman.

C. B. No. 40, "An act relative to divorce."

Read first time.

On motion,

Rules suspended, and bill read second time by title and referred to Committee on Judiciary.

C. B. No. 42, "An act relative to appeals."

Read the first time.

On motion,

Rules suspended, and bill read second and third time by title.

Passed and title agreed to.

C. B. No. 47, "A bill for an act authorizing the county commissioners of Sarpy county to issue county bonds for certain purposes."

Read first time.

On motion,

Rules suspended, and bill read second time by title and referred to a special committee consisting of the members from Sarpy county.

C. B. No. 46, "An act to incorporate the Loup Fork bridge company."

Read first time.

On motion,

Rules suspended, and bill read second time by title.

Mr. Whaley of Platte, moved that the bill be referred to a special committee.

Upon which the ayes and nays were demanded:

Ayes—Messrs. Baker, Beane, Cotterell, Davis, Gilmour, Hedde, Lockwood, Mathias, Reed and Whaley.—10.

Nays.—Messrs. Barrett, Cavins, Chase, Clark, Cleburne, Coleman, Cowles, Davidson, Gates, Grebe, Griffin, Hacker, Hyde, Lowe, Millard, Mullen, Parker, Porter, Reddick, Sibley, Sollenberger and Tisdell.—22.

Lost.

Mr. Lockwood of Dakota, moved that the bill be referred to Committee of the Whole and made the special order for Wednesday next.

Lost.

Mr. Reddick of Douglas, moved that the bill be referred to the Committee on Corporations.

Carried.

Mr. Lockwood of Dakota, moved that the committee be instructed to report on Wednesday.

Lost.

H. F. No. 57, "A bill for an act to legalize the business of the Territorial Auditor and Treasurer."

Read third time.

On motion,

Passed, and title agreed to.

H. F. No. 93, "A bill for an act to locate a Territorial road from Nebraska City to Brownville."

Read third time.

On motion,

Passed and title agreed to.

H. F. No. 74, "A memorial and joint resolution to the establishment of a tri-weekly mail from Dakota city to Fort Randall."

Read third time.

On motion

Passed, and title agreed to.

H. F. No. 48, "A bill for an act concerning acknowledgments and conveyances of real estate,"

Was, on motion of Mr. Cleburne of Sarpy,

Ordered printed with the amendments proposed by Messrs. Lockwood and Cavins.

H. F. No. 49, "A bill for an act to confirm the title of Thomas Martin and J. H. Coriell to certain real estate in the city of Omaha,"

Was,

On motion.

Ordered engrossed for a third reading.

H. F. No. 70, "A joint resolution and memorial asking Congress for an appropriation to construct a bridge over the Platte River at or near its mouth."

Ordered engrossed for a third reading.

H. F. No. 83, "A bill for an act to authorize Eliza K. Mitchell and Alexander Hunter to keep a mill dam across Mill creek at Florence."

On motion,

Ordered engrossed for a third reading.

H. F. No. 9, "An act to incorporate a seminary to be located at Elkhorn city in Douglas county."

On motion,

Ordered engrossed for a third reading.

H. F. No. 106, "A bill for an act to resurvey a portion of the territorial road leading from Nebraska city in Otoe county to Tecumseh in Johnson county."

On motion,

Ordered engrossed for a third reading.

H. F. No. 87, "Joint resolution for the relief of F. Wilkinson of Boulder."

On motion of Mr. Sollenberger of Otoe,

Made the special order for Thursday.

H. F. No. 25, "A bill for an act authorizing suits upon written instruments to be brought in the name by which the same are executed."

Read third time.

On motion,

Passed and title agreed to.

H. F. No. 94, "An act to locate a territorial road from St. Johns to Ionia, Nebraska Territory."

Read third time.

On motion,

Passed and title agreed to.

Mr. Lockwood of Dakota, made the following report:

The Committee on Conference on the part of the Council and House of Representatives, respecting the disagreement of the House to the amendments of the Council to

H. F. No. 6, "A bill for an act to abolish the office of territorial school commissioner."

Respectfully recommend that the Council recede from its amendments.

J. M. THAYER, Council.

ALFRED MATHIAS,

W. F. LOCKWOOD,

M. H. CLARK, House.

H. F. No. 79, "Memorial and joint resolution relative to a tri-weekly mail route between Columbus and Fort Kearney."

On motion,

Ordered engrossed for a third reading.

Mr. Reed from the Committee on Internal Improvements made the following report:

The Committee on Internal Improvements to which was referred

"The petition of William K. Breckenridge for a divorce from his wife Dicey,"

Respectfully submit the following report:

1st. We consider the petitioner's case a very *hard case* and that of his wife a *clear case of mania infantum*.

2d. Practically the petitioner has already obtained a divorce "*A mensa et thoro*," and if his allegations are true, he can obtain a divorce from the law courts. "*a vinculo matrimonii*," and therefore does not require the aid of the Legislature.

3d. The *internal improvements* suggested by the reference of this case to your committee, points to the increase of population in a foreign state, and in the present critical state of affairs your committee cannot recommend interference without the advice of legal gentlemen who are more at home in such matters.

The use of ancient legal terms being naturalized in this House, your committee will certainly be excused their use in this delicate matter, and their precise meaning in common language will unquestionably be given by learned gentlemen from Douglas and Otoe.

We admire the sagacity which referred this matter to the Committee on *Internal Improvements* and finally would recommend this House to



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authorize the Speaker to open an amicable correspondence with the Governor of Tennessee and affectionately inquire after the health of the babies referred to in said William's allegation..

WM. H. REED, Chairman.

Message from the Council:

COUNCIL CHAMBER,  
December 31st, 1860. }

*Mr. Speaker :*

I am instructed to inform your honorable body that the Council have passed

C. B. No. 6, "An act respecting elections."

And your concurrence therein is respectfully requested.

I am also requested to inform you that the Council have refused to adopt the report of the Committee of Conference upon

H. F. No. 6, "An act to abolish the office of commissioner of schools."

E. P. BREWSTER, Chief Clerk.

H. F. No. 107, "A bill for an act to locate and establish a territorial road from Nebraska city to New Fort Kearney."

On motion,

Ordered engrossed for a third reading.

Mr. Mead of Washington moved to adjourn until Wednesday morning at 10 o'clock,

Upon which ayes and nays demanded.

Ayes—Messrs. Davis, Gilmour, Griffin, Hyde, Mead, Millard and Sibley.—7.

Nays—Messrs. Baker, Beane, Cavins, Chase, Clark, Cleburne, Coleman, Cotterell, Cowles, Davidson, Downs, Fisher, Gates, Grebe, Hacker, Hedde, Lockwood, Lowe, Mathias, Mullen, Parker, Porter, Reddick, Reed, Sollenberger, Tisdell and Whaley.—27.

Lost.

On motion of Mr. Mathias of Otoe,

The House adjourned.

GEO. L. SEYBOLT, Chief Clerk,

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HOUSE OF REPRESENTATIVES,  
Tuesday, Jan 1st, 1861. }

The House met pursuant to adjournment.

The Speaker in the chair.

Prayer by the Chaplain.

Journal read and approved.

The Committee on Engrossed and Enrolled Bills, beg leave to report:

H. F. No. 104, "A bill for an act to exempt a homestead and a certain amount of personal property from forced sale in certain cases."

Also,

H. F. No. 107, "A bill for an act to locate a territorial road from Nebraska city to New Fort Kearney."

And

H. F. No. 79, "Memorial and joint resolution relative to a tri-weekly mail service between Columbus and Fort Kearney."

Also,

H. F. No. 9, "An act to incorporate a seminary to be located in Elkhorn city, Douglas county, Nebraska."

As correctly engrossed.

H. W. PARKER, Chairman.

On motion of Mr. Downs of Otoe,

The several engrossed bills were taken up,

H. F. No. 104, "A bill for an act to exempt a certain amount of property from forced sale in certain cases."

Mr. Mathias of Otoe moved that the bill be recommitted to a special committee with instructions to insert the following in the 7th section: "not exempted by the provisions of this act."

Mr. Cleburne of Sarpy moved the following as an amendment to the amendment, by adding thereto "of the value of three hundred dollars."

Lost.

Question recurring upon the motion to recommit with instructions, was

Carried.

Mr. Mathias was appointed such committee.

H. F. No. 107, "A bill for an act to locate a territorial road from Nebraska city to Brownville."

Read a third time.

On motion,

Passed and title agreed to.

H. F. No. 79, "Memorial and joint resolution relative to a tri-weekly mail service between Columbus and Fort Kearney."

Read third time.

On motion,

Passed and title agreed to.

H. F. No. 9, "A bill for an act to incorporate a seminary to be located at Elkhorn city, Douglas county, Nebraska Territory."

Read a third time.

On motion,

Passed and title agreed to.

Mr. Mathias of Otoe reported back

H. F. No. 104, "A bill for an act to exempt a certain amount of property from forced sale in certain cases"

With the amendment inserted according to the instructions of the House.

Report accepted.

Mr. Cleburne of Sarpy, moved that the bill be recommitted to the Committee on Judiciary with instructions to report the following as a new section: "That in no case shall the amount of property exempted by this act exceed the value of \$3000."

Mr. Downs of Otoe, moved to lay the motion on the table.

Ayes and nays demanded upon the motion.

Ayes—Messrs. Baker, Barrett, Beane, Clark, Cotterell, Cowles, Downs, Griffin, Hacker, Hyde, Mathias, Mullen, Parker, Porter, Reddick, Sibley, Sollenberger and Whaley.—18.

Nays—Messrs. Cleburne, Coleman, Davidson, Davis, Fisher, Gilmour, Grebe, Hedde, Millard and Tisdell.—10.

Carried.

Mr. Davis of Cass, offered the following as an amendment:

"That the exemption shall not exceed the amount of fifteen hundred dollars in value."

Mr. Downs of Otoe, moved to lay the amendment on the table.

Ayes and nays demanded.

Ayes—Messrs. Baker, Barrett, Beane, Chase, Clark, Coleman, Cotterell, Cowles, Downs, Fisher, Griffin, Hacker, Hyde, Mathias, Mead, Millard, Mullen, Parker, Porter, Reddick, Reed, Sollenberger, Tisdell, and Whaley.—24.

Nays—Messrs. Cavine, Coleman, Davidson, Davis, Gilmour, Grebe, Hedde and Sibley.—8.

Carried.

On motion,

The bill was read third time.

Ayes and nays demanded upon the passage of the bill.

Ayes—Messrs. Baker, Barrett, Beane, Cavins, Chase, Clark, Cleburne, Coleman, Cotterell, Cowles, Davidson, Downs, Fisher, Gates, Griffin, Hacker, Hedde, Lockwood, Mathias, Mead, Millard, Mullen, Parker, Porter, Reddick, Reed, Sibley, Sollenberger Tisdell and Whaley.—30.

Nays—Messrs. Davis, Gilmour and Grebe.—3.

On motion,

Title agreed to.

Mr. Reddick of Douglas, introduced

H. F. No. 116, "A bill for an act to locate a territorial road from Elkhorn city to Fontenelle."

Read first time,

On motion,

Rules suspended and bill read second and third time by its title.

Passed and title agreed to.

Mr. Mullen of Cass, introduced

H. F. No. 117, "A bill for an act to amend an act entitled 'An act to

Tuesday, January 2d, 1861.

incorporate a seminary to be located in Cass county, Nebraska," approved Oct. 3d, 1858.

Read first time.

Message from the Governor:

EXECUTIVE CHAMBER,  
Omaha, Jan. 1st, 1861. }

To the House of Representatives of the Territory of Nebraska:

*Mr. Speaker:*

I am requested by the Governor to return to your honorable body "An Act to Prohibit Slavery," unsigned, and to announce the following Message embodying his objections thereto.

JOHN McCONIHIE.

Private Secretary.

*To the Honorable the House of Representatives :*

You have assumed the power and asserted the policy of an unqualified and immediate interdiction of slavery within this Territory.

I dissent both as to the power assumed and the policy of the prohibition.

My objections to your power to prohibit slavery or to abolish it, which were submitted a year ago, are strengthened, in my own mind, by reflection and remain unchanged.

The federal government is a government of states, and not of individuals, or of men in mass. It possesses no original power, nor any power but that which was conferred by the states, whose creative hand gave it being. After the Declaration of Independence, and up to the adoption of the Constitution, each one of the United States was a sovereign state and independent of every other state, princpalty or power. The people asserted and maintained all their political and personal rights through their respective states, and in the convention which framed the Federal Constitution, they assembled as States. When the work was done, and the fathers of the republic were able to say, "it is finished," they declared, in the last article, that the ratification of the convention of nine states shall be sufficient for the establishment of this constitution between the states so ratifying the same. And then as if to "make assurance doubly sure," they proceed to declare that what they have done is done in convention by unanimous consent of the *states* present. Whatever power is given to the General Government in the constitution, it derives from the states of the confederacy, and whatever power is not surrendered by the states as sovereign or supreme, they have reserved to themselves respectively, or to the people of each one; for the people of each one are the first and only source of power. By the compact of the constitution, the states enter the Union on terms of absolute and acknowledged equality, an equality which applies itself to every new state, with the same perfect fullness enjoyed by each one of the old States.

When the government of the confederation was formed in 1781 it acquired no territory, and had the control of none. Whatever was owned

belonged to individual states, Virginia being the largest proprietor. By her voluntary cession in 1784, the northwest territory was transferred to the states of the confederacy. It thus became their common property, the ultimate object however being the admission of new and equal states into the confederacy. In 1803, and through the present Federal Government, Louisiana was acquired from France; it was purchased with the common fund of all the states, and was acquired for their joint and equal benefit. In making the acquisition the General Government acted as the representative, and trustees of the people of the United states; and it acquired this foreign territory for the purpose of its admission into the Union, on an equality with existing states. Until that admission takes place every part of the territory is open to the people of all the states, on the same terms. It is theirs for purposes of permanent or temporary settlement, or for mere purposes of transit, and the citizens of each state have the same right to enjoy the common territory, with the citizens of every other state. The citizen of Iowa or Illinois may lawfully come here with all his property, which may be convenient or profitable for him to bring, and if a citizen of Missouri or Texas may not do the same thing, the territory is not open to all alike, and all are not equals. But this right of occupying and enjoying the common territories, the Supreme Court of the United States have settled in the most positive and unqualified terms. In the case of *Dred Scott vs. Sandford*, 19 Howard, 452, we find this judgment and opinion of the court. "Upon these considerations, it is the opinion of the court that the act of Congress which prohibited a citizen from holding and owning property of this kind in the territory of the United States, north of the line therein mentioned, is not warranted by the constitution, and is therefore void; and that neither Dred Scott himself, nor any of his family, *were made free by being carried into this territory; even if they had been carried there by the owner, with the intention of becoming a permanent resident.*" The property spoken of is slave property, and the territory therein referred to was Minnesota, which like Nebraska was a part of the Louisiana purchase. So that if Nebraska had been the territory in question, instead of Minnesota, the language of the court would have been precisely the same. The usual mode of escape from this decision is that certain principles and propositions laid down by the venerable Chief Justice of United States, are only his own *dicta*, and that but one question was before the court. But the court decided differently, and I suppose when the Supreme Court of the United States says that questions are before it and will be determined, they know exactly what they are doing and what they ought to do. It looks very much as if the question was before the court, when two of the nine judges delivered long and learned opinions of dissent on the very questions discussed and decided by the majority of the court. Mark the language of the court, for it is no "*obiter dictum*" of one judge, alone, however great his authority may be, but it is the judgment of the court in regard to the party on the record, and his rights. "*Neither Dred Scott nor any of his family were made free by being carried into this territory; even if they had been carried by the owner, with the intention of becoming a permanent resident.*" When

the territory, of which Nebraska forms a part, was acquired, African slavery was lawful and slaves were property. By the treaty which gave to the United States the title owned by France, it is solemnly stipulated that "the inhabitants of the ceded territory shall be incorporated in the Union of the United States, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages and immunities of citizens of the United States; and in the meantime they shall be maintained and protected in the free enjoyment of their liberty, property and the religion which they profess." Whatever their property may be it is secured to them; whatever the religion may be which they profess—no matter what is the substance of their faith, or the form of their worship—they are to be protected in its full and free enjoyment and the personal liberty of "the inhabitants" is to be maintained and made sure.

Under this treaty there is a sacred and continuing obligation that this territory as a part of Louisiana, shall be admitted into the Union as soon as possible, upon an equal footing with the other states, "*and till such admission*," in the language of Chief Justice Marshall, "the inhabitants of the ceded territory shall be protected in the free enjoyment of their liberty, property and religion."

A treaty under the constitution is a part of "the supreme law of the land," and I do not think that a Territorial Legislature can overturn it. But it is said that slavery is the creature of mere local law and cannot exist, except where a local law establishes it. If by this is meant a local statute law enacted by some legislative body of adequate jurisdiction, it is incorrect. Slavery existed at one time in every one of the American colonies. At the adoption of the constitution a slave was lawful property, in twelve of the thirteen colonies, and was so recognized by all the states, when the fundamental law of the land was established; and the Supreme Court have declared, what everybody knows to be true, that "*the right of property in a slave is distinctly and expressly affirmed in the constitution*." It makes no man a slave, but it recognizes the relation between master and slave as a lawful relation, and that relation must continue to exist until it is dissolved by some sufficient law.

If the owner of a slave carries his property to the border of a sovereign state, wherein slavery is forbidden, his right of property remains, but if he crosses the line, he becomes subject, in person and property, to whatever constitutional law the state has seen fit to establish. If he loses his property, it is because the local law takes it away. Slavery existed in Missouri during the entire period of her territorial existence, and there never was a statute law, either to establish or protect it. The citizens of the different states settled there with slaves, and without slaves, as they saw fit, and their rights of property were never called into question. Have they who met in convention at Chicago spoken the truth when they declare "*that the normal condition of all the territories is that of freedom, and we deny the authority of Congress or of a Territorial Legislature, or of any individuals, to give legal existence to slavery in any territory of the United States*." Normal mean "regu-

**lar according to an established law."** What law? If any such law exists it seems to have been unknown when Missouri and Arkansas were territories. And the "early fathers," now so much quoted and relied on by the anti-slavery dogmatists of the day, were evidently ignorant of its existence. When Washington was President and Thomas Jefferson was Secretary of State, the first fugitive slave law was passed. This was in 1793, and less than four years after the adoption of the Federal Constitution. The constitutionality of this law has been affirmed over, and over by the Supreme Court of the United States, and no where more strongly than in the opinion of the court, delivered by Judge Story in the well known case of *Prigg vs. the Commonwealth of Pennsylvania*. Does that law, which Washington approved and Jefferson endorsed, intimate anything of this newly discovered "normal condition?" Quite the reverse. I quote the whole of the first-section, so that its plain meaning may not perverted or misunderstood:

"When a person held to labor in any of the United States, *or in either of the territories* on the north-west or south of the river Ohio, under the laws thereof, shall escape into any other of the said States or territories, the person to whom such labor or service may be due his agent or attorney, is hereby empowered to seize or arrest such fugitive from labor, and to take him or her before any judge of the circuit or district courts of the United States, residing or being within the state, or before any magistrate of a county, city or town corporate, wherein such seizure or arrest shall be made, and upon proof to the satisfaction of such judge or magistrate, either by oral testimony or affidavit, taken before and certified by a magistrate of any such state or territory, that the person so seized or arrested, doth, *under the laws of the state or territory from which he or she fled*, owe service or labor to the person claiming him or her, it shall be the duty of such judge or magistrate to give a certificate thereof to such claimant, his agent or attorney, which shall be sufficient warrant *for removing the said fugitive from labor to the state or territory from which he or she fled*."

Here the right of slave property in the territories is recognized and provided for, precisely the same as in the states. At the time this act was passed, the north-western territory was in existence north of the river Ohio, and the only territory south was Tennessee, which had been ceded by North Carolina in 1790.

I do not stop to discuss, now, for it is not relative to the point, what "the fathers" thought of the legal effect of the ordinance of 1787, on the north-western territory, but only remark that the act of Congress shows that the opinion was *not* then that "the normal condition" of the territories was that of freedom. The people of Tennessee held their slaves for six years without any statute law inside the territory, or applied to to it, which made them property. They were property without it, and the right of property remained to those who were in the Territory, when the deed of cession was signed, and it extended to every citizen of every state, who thought proper to settle there, under the broad protection of the constitution and the laws.

The recognition in the act of 1793 is also expressed in the Fugitive Slave Law of 1850 in positive and distinct terms; and both these acts, by "the Organic Law," are "*declared to extend to and be in full force in the Territory of Nebraska.*" Do not misunderstand me. The Fugitive Slave Law does not carry slavery into this or any other Territory, but it does recognize it as a lawful and constitutional thing in a Territory as well as in a State. That congressional recognition was established by Washington and the Congress of 1793. The Supreme Court have pronounced it to be in conformity with the constitution; it has been re-enacted and extended, and stands to-day in full force and vigor, just as it did sixty-seven years ago. Territories are not states, but are common property of the people of all the states alike. Congress, in erecting territorial or temporary governments, has conferred on some less and others greater powers of domestic or internal control, For this territory, I claim the largest and most liberal exercise of power to to manage our own affairs, but in managing our own affairs, I deny the power to invade the plain constitutional rights of the citizens of the states by forbidding them to come here, or which is the same thing, by forbidding them to come here with their property. Or if there are any here who happen to hold a slave or slaves, I deny your power to drive them from our midst, or forfeit property which the constitution recognizes as lawful.

When the people shall form their own constitution it will be for them to decide whether this Territory shall be received into the Union with slavery or without it. Whichever way they determine, no man has a right to complain, for *then* the rights, in the Territory, common to all the States, are absorbed in the one new and sovereign State added to the confederacy.

If there is any good to come from this proposed prohibition I confess I am not able to see it, and were your power conceded and clear, I would resist its exercise as bad policy for the Territory, and unjust to fifteen states of the Union. You have served them with written notice that they have neither part nor lot in this common inheritance and possession. If the prohibition shall prevail, according to the manifest intent and terms of "this act," no man can safely set foot in Nebraska with a slave. You do not allow even the right of transit, from one slave-holding State to another, for citizens who may desire to carry their property with them. In a word, you not only discourage and forbid emigration from fifteen States, but you prevent hundreds who may wish to pass through the Territory, say from northern Missouri to Texas, from adopting the nearest and best route for them, which would be through some of the southern counties of Nebraska. The chief part of our river trade is with Saint Louis and other parts of Missouri. No steamboat with a hired slave on board, can with safety, touch the shores of Nebraska, for this law, which I understand you are determined to pass, notwithstanding these serious objections, is *unqualified* in its terms and *immediate* in operation. Is it not perfectly plain, that the effect must be to diminish in some degree our commercial facilities? While I am on this point, allow me to call your attention to a single fact familiar to many of you.



During the early part of last summer, one single citizen of Texas, drove through the southern portion of the Territory, eight hundred head of cattle, on his way to Chicago, and crossed them over the Missouri at Nebraska City. No matter how great the advantage of this or any other particular trade from Texas may be, must we drive it all away by this hostile and offensive legislation? "You may pass through and bring to our people what gains you please, but you must not contaminate our free soil with the footsteps of your slaves." The policy is narrow, short-sighted and contracted. Look at the map and you will see that the future of Nebraska is linked with Texas. Our road to market is through that great and growing state. From Galveston Bay to the mouth of the Platte river is less than eight hundred miles, and from Galveston to New Orleans, but a fraction over four hundred miles more. A rail road is already surveyed and partially completed towards the northern line of Texas. It is destined to penetrate the Indian Territory, and Kansas and Nebraska, and by that road our rich harvests are eventually to reach their best market. A great consummation, but not greater than the future of a few years will accomplish, if we are true to ourselves and do not yield to fanaticism and folly. Is a friendly and fraternal spirit towards one of the States to which we are so nearly allied, or are offensive and adverse manifestations likely to terminate most profitably to the people?

This is a view, perhaps, of inferior importance, but your constituents may not so consider it.

And now, when discontent in half the Union is general, substantial and serious, your legislation seems to be most ill-timed and unpropitious.

Shall we add fuel to the flames of discord and feed the fires of dissolution? Shall we reject the wise and benign counsels of patriotism, and discard every sentiment which leads to a love of country? Or shall we not contribute, of our means, to the restoration of peace and the return of lost repose? On this day, you can, if you will, add something to the bright advent of the new born year.

SAMUEL W. BLACK.

Executive Chamber, January 1, 1861.

The House proceeded to reconsider.

The question was, "Shall the bill pass, the Governor's veto to the contrary notwithstanding?"

Mr. Downs of Otoe, moved

That the bill be made the special order for Monday next.

Mr. Clark of Douglas, moved

To amend by inserting "Friday," upon which

Ayes and nays demanded.

Ayes—Messrs. Barrett, Clark, Coleman, Cotterell, Downs, Gates, Millard, Porter and Reddick.—9.

Nays—Messrs. Baker, Beane, Cavins, Chase, Cleburne, Cowles, Davidson, Davis, Fisher, Gilmour, Grebe, Griffin, Hacker, Hedde, Lockwood, Mathias, Mead, Mullen, Parker, Reed, Sollenberger, Tisdell and Whaley.—23.

Lost.

Mr. Reddick of Douglas, moved to adjourn, upon which Ayes and nays demanded.

Ayes—Messrs. Clark, Cleburne, Downs, Gates, Millard, Porter and Reddick.—7.

Nays—Messrs. Baker, Barrett, Beane, Cavins, Chase, Coleman, Cotterell, Cowles, Davidson, Davis, Fisher, Gilmour, Grebe, Griffin, Hacker, Hedde, Lockwood, Mathias, Mead, Mullen, Parker, Reed, Sibley, Sollenberger, Tisdell and Whaley.—26.

Lost.

Call of the House demanded.

Absent—Messrs. Barnum, Fowler and Lowe.

On motion of Mr. Lockwood of Dakota,  
Leave of absence was granted for the day to Mr. Barnum.

On motion,

All further proceedings under the call dispensed with.

Question recurring upon the motion "Shall the bill pass, the Governor's veto to the contrary notwithstanding?" upon which

The ayes and nays were demanded.

Ayes—Messrs. Baker, Barrett, Beane, Cavins, Chase, Clark, Cleburne, Coleman, Cotterell, Cowles, Davidson, Davis, Fisher, Gates, Gilmour, Grebe, Griffin, Hacker, Hedde, Lockwood, Mathias, Mead, Millard, Mullen, Parker, Reddick, Reed, Sibley, Sollenberger, Tisdell and Whaley.—31.

Nays—Messrs. Downs and Porter.—2.

So the bill was passed.

Mr. Clark of Douglas, moved that one thousand copies of the Governor's veto message be printed for the use of the House.

Lost.

Mr. Downs of Otoe, offered the following:

Resolved, The Nebraska Legislature send greeting and thanks to Major Anderson for his gallant conduct, and wish him and his a Happy New Year.

Resolution adopted.

Mr. Parker of Clay, moved that Gen. Downs be requested to telegraph the above resolution to Major Anderson.

Carried.

On motion of Mr. Davidson of Sarpy,  
The House adjourned.

GEO. L. SEYBOLT, Chief Clerk,

HOUSE OF REPRESENTATIVES, }  
Wednesday, January 2d, 1861. }

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Journal read and approved.

Mr. Barrett of Dixon, offered the following:

Resolved. That the Engrossing Clerk of this House be authorized to retain a copy of all laws that may be passed by it, such copy to be for the Public Printer.

Laid over under the rule.

Mr. Cowles of Otoe, gave notice of a bill for an act to relocate the penitentiary of Nebraska.

Mr. Baker of Nemaha, introduced

H. F. No. 118, "A bill for an act authorizing the commissioners of Nemaha county to relevy the taxes for 1860."

Read first time,

On motion,

Rules suspended, and bill read second and third times by title.

Passed and title agreed to.

The Committee on Corporations, to which was referred

H. F. No. 109, "A bill for an act to grant extension of time to the Missouri and Pacific rail road company and to increase the number of corporators,"

And,

C. B. No. 18, "A bill for an act to incorporate the Baptist Church of Cuming city,"

And recommend that they pass.

H. F. No. 102, "A bill for an act to incorporate and establish the St. John's distillery company,"

And,

H. F. No. 101, "A bill for an act to authorize the erection of a toll bridge over Salt creek,"

And recommend that they do not pass.

C. B. No. 46, "A bill for an act to incorporate the Loup Fork bridge company,"

And report the same back without recommendation.

WILLIAM GILMOUR, Chairman.

The Committee on Engrossed and Enrolled Bills report

H. F. No. 70, "Joint resolution and memorial asking Congress for an appropriation to construct a bridge over the Platte river, at or near its mouth,"

And,

H. F. No. 83, "An act to authorize Eliza K. Mitchell and Alexander Hunter to keep a mill dam across Mill creek, at Florence,"

And,

H. F. No. 49, "A bill for an act to confirm the title of Thomas Martin and J. H. Coriell to certain real estate in the city of Omaha,"

As correctly engrossed.

H. W. PARKER, Chairman.

Mr. Parker of Clay moved that the Speaker fill the vacancy in the Judiciary Committee occasioned by the ousting of Mr. Acton.

Carried.

The Speaker appointed Mr. Hyde of Burt.

Mr. Barrett of Dixon moved that the rules be suspended and the resolution authorizing the Enrolling Clerk to take copies of all laws passed for the use of the public printer, be

Taken up.

On motion,

Resolution adopted.

The Committee on Common Schools, to which was referred

C. B. No. 38, "Joint resolution and memorial relative to school lands in Nebraska Territory,"

Have had the same under consideration and report it back and recommend that it do not pass for the reason that we have passed a bill that is in substance the same, and recommend that it do pass.

LOUDEN MULLEN, Chairman.

The Committee on Roads to which was referred

H. F. No. 110, "A bill for an act to locate and establish a territorial road from Weeping Water, Cass county, to Salt creek, crossing in Lancaster county,"

Have had the same under consideration and report it back with the recommendation that it do pass.

Also,

H. F. No. 114, "An act to locate and establish a territorial road from Nebraska City to Table Rock,"

Have had the same under consideration, and recommend its passage.

JAMES BARRETT, Chairman.

Mr. Parker of Clay introduced

H. F. No. 119, "A bill for an act to vacate a part of Front street, in the town of Beatrice, in Gage county."

Read first time.

On motion,

Rules suspended and bill read second and third time.

Passed and title agreed to.

Mr. Mathias of Otoe, moved that 500 copies of the bill prohibiting slavery, together with the Governor's Message vetoing the same, be printed for the use of the House.

Mr. Reddick of Douglas, moved to amend by inserting "250" instead of "500."

Question being upon the greatest amount,  
Was carried.

Mr. Barrett of Dixon, gave notice  
Of a bill to incorporate the Omaha Gas Company.

Mr. Baker of Nemaha, introduced

H. F. No. 120, "Memorial and joint resolution relative to a mail route."

Read first time.

On motion,

Rules suspended and bill read second time and referred to a special committee, consisting of Messrs. Griffin, Mullen and Mathias.

H. F. No. 117, "A bill for an act to amend an act, to incorporate a seminary to be located in Cass county, N. T.," approved Oct. 23d, 1858.

Read third time.

On motion,

Passed and title agreed to.

The Committee on Federal Relations, to which was referred

"A memorial and joint resolution asking Congress for an appropriation to complete the Capitol of Nebraska, and to build a penitentiary for the Territory,"

Beg leave to report it back and recommend its passage.

CHAS. H. WHALEY, Chairman.

The Committee on Judiciary, to which was referred

H. F. No. 113, "A bill for an act for the foreclosure of mortgages,"

Have had the same under consideration, and report it back with the recommendation that it do pass.

W. F. Lockwood, Chairman.

On motion of Mr. Reddick of Douglas,

The bill was read third time.

Question being upon its passage.

Mr. Lockwood of Dakota, moved to lay the bill upon the table.

Carried.

Mr. Mullen of Cass, gave notice of

"A bill for an act to amend 'An act to incorporate a university in Cass county, N. T.'"

Mr. Cowles of Otoe, moved to reconsider the vote by which

H. F. No. 113, "A bill for an act for the foreclosure of mortgages,"

Was laid upon the table.

Ayes and nays demanded.

Ayes—Messrs. Barnum, Chase, Coleman, Cowles, Davis, Downs, Grebe, Hacker, Lowe, Mathias, Millard, Reddick.—12.

Nays—Messrs. Beane, Cavins, Cleburne, Cotterell, Fisher, Gates, Gilmour, Griffin, Hedde, Hyde, Lockwood, Parker, Porter, Reed and Sollenberger.—15.

Lost.

Mr. Downs of Otoe, moved that the House go into Committee of the Whole upon

H. F. No. 38, "A bill to incorporate the Loup Fork bridge and ferry company."

Carried.

Mr. Fisher of Nemaha, in the chair.

After remaining sometime therein the committee arose and reported,

That the committee had had the same under consideration and referred the matter back to the House.

Mr. Reddick of Douglas, moved that the bill be made the special order for Tuesday next.

Mr. Millard of Douglas, moved to amend by saying "to-morrow."

Lost.

Question recurring upon original motion.

Lost.

Mr. Millard moved that the bill be printed.

Lost.

Mr. Mathias of Otoe, moved that the House go into Committee of the Whole on the "Revenue bill."

Carried.

Mr. Sibley of Otoe in the chair.

After remaining sometime therein the committee arose and through the chairman reported progress, and asked leave to sit again at 2½ o'clock.

Granted.

Message from the Executive:

EXECUTIVE CHAMBER,  
January 2d, 1861. }

To the House of Representatives of the Territory of Nebraska:

*Mr. Speaker:*

I am instructed by the Governor to inform your honorable body that he has signed and approved:

"A memorial and joint resolution relative to a mail route from Nemaha city to Blue Springs in Gage county,"

And,

"An act granting bounty on the manufacture of sugar from sorghum or sugar cane."

And,

"An act to locate a territorial road from St. James to Columbus."

Also,

"A joint resolution and memorial praying Congress for an appropriation to defray the expenses of a Geological survey."

JOHN MCCONNIE, Private Secretary.

On motion of Mr. Downs of Otoe,

The House took a recess until 2½ o'clock P. M.

*Afternoon Session—2 o'clock P. M.*

House met.

Mr. Downs of Otoe, on leave, introduced

H. F. No. 121, "An act in relation to lawyers' fees."

Read the first time.

On motion,

Rules suspended, and bill read second and third times.

Passed and title agreed to.

Mr. Reddick of Douglas, introduced

H. F. No. 122, "A bill for an act regulating the fees of masters in chancery."

Read first time.

On motion,

Rules suspended, and bill read second and third times by title.

Passed and title agreed to.

On motion of Mr. Cleburne of Sarpy.

The House went into Committee of the Whole on the "Revenue bill."

Mr. Sibley of Otoe, in the chair.

After remaining sometime therein, the committee arose and through the chairman reported the bill back with several amendments thereto attached, and recommended its passage as amended.

Report adopted.

On motion,

The bill was ordered engrossed for a third reading.

On motion of Mr. Matthias, of Otoe.

H. F. No. 95, "A bill for an act to equalize territorial taxes heretofore assessed," was

Read third time.

Ayes and nays were demanded upon its passage.

Ayes—Messrs. Baker, Barnum, Barrett, Beane, Cavins, Chase, Clark, Coleman, Cowles, Davidson, Downs, Fisher, Gilmour, Grebe, Griffin, Hacker, Lowe, Matthias, Millard, Mullen, Parker, Porter, Reddick, Reed, Sibley, Sollenberger and Whaley.—27.

Nays—Messrs. Cleburne, Cotterell, Davis, Gates and Hedde.—5.

Bill passed.

On motion,

Title agreed to.

C. B. No. 7, "A bill for an act respecting elections."

Read first time,

On motion,

Rules suspended and bill read second time by its title, and referred to the Committee on Privileges and Elections.

H. F. No. 70, "Joint resolution and memorial asking Congress for an appropriation to construct a bridge over the Platte river, at or near its mouth."

Read third time.

Wednesday, January 2d, 1861.

**On motion,**

Passed and title agreed to.

H. F. No. 83, "A bill for an act authorizing Eliza K. Mitchell and Alexander Hunter to keep a mill dam across Mill creek at Florence, Douglas county, N. T."

**Read third time.**

**On motion,**

**Passed and title agreed to.**

H. F. No. 49, "A bill for an act to confirm the title of Thomas Martin and J. H. Coriell to certain real estate in Omaha city."

**Read third time.**

**On motion.**

Passed and title agreed to.

H. F. No. 110, "A bill for an act to locate and establish a Territorial road from Weeping Water Falls, Cass county, to Salt Creek Crossing in Lancaster county."

**Read third time.**

**On motion,**

**Passed and title agreed to.**

The special committee appointed in pursuance of a resolution to examine the books of the Territorial Treasurer, and make settlement with him; and also to cancel all warrants now in his hands, beg leave to submit, that they have discharged that duty, and report the following statement, showing the amount of territorial tax received by the Treasurer for the years of 1856, 1857, 1858, 1859 and 1860, also a balance sheet, giving a full and correct statement of his account with the Territory for the years above named:

AMOUNT OF TAX RECEIVED FROM THE SEVERAL COUNTIES OF NEBRASKA.

**Cass County.**

1856, May 14.	On account of territorial taxes,.....	\$66.00
1859, Dec. 1.	“ “ .....	60.85
		<hr/>
	Total amount received from Cass county,.....	\$127.15

**Dodge County.**

1856, June 16.	On account of territorial taxes,.....		\$20.20
1859, Dec. 10.	"                      "                      for		
	1859,.....	\$85.80	
1860, Jan. 12.	On account of territorial taxes for		
	1859,.....	165.02	
		<hr/>	\$250.82
Dec. 5.	On account of territorial taxes for		
	1860,.....	\$171.47	
	Deduct balance due on warrants		
	received,.....	20.15	
		<hr/>	\$151.82
			<hr/>
	Total amount received from Dodge county, .....		\$422.34



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*Nemaha County.*

1856, June 16.	On account of territorial taxes,.....	\$30.00
1859, Dec. 28.	“ “ for 1859, ..	437.95
Total amount received from Nemaha county,.....		<u>\$467.95</u>

*Otoe County.*

1857, Feb. 13.	On account of territorial tax,....	\$250.00
July 18.	“ “ .....	108.33
		<u>\$358.33</u>
1858, Dec. 16.	“ “ for 1858,.....	\$378.46
1859, Jan. 13.	On account of territorial tax for 1859,.....	788.21
		<u>\$1166.67</u>
Dec. 15.	On account of territorial tax for 1859,.....	\$243.75
1860, June 8.	On account of territorial tax for 1859,.....	451.50
		<u>\$695.25</u>
Total amount received from Otoe county,.....		<u>\$2,220.25</u>

*Douglas County.*

1857, July 7.	On account of territorial taxes, ..	\$377.67
Aug. 13.	“ “ ..	978.06
Sep. 10.	“ “ ..	260.00
		<u>\$1,615.73</u>
1860, Jan. 2.	“ “ for 1859,.....	\$2,069.37
Deduct balance due on warrants, .....		674.50
		<u>\$1,394.87</u>
Total amount received from Douglas county,.....		<u>\$3,010.60</u>

*Richardson County.*

1859, Aug. 12,	On account of territorial taxes for 1858, total amount,.....	<u>\$200.00</u>
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*Johnson County.*

1859, Oct. 15.	On account of territorial taxes for 1857,....	98.75
“ 28.	“ “ “ 1858,....	44.83
1860, Dec. 19.	“ “ “ 1859,....	156.03
		<u>\$299.61</u>

*Washington County.*

1859, Dec. 28.	On account of territorial taxes for 1859, .....	\$348.92
Deduct balance due on warrants, .....		154.82
Total amount received from Washington county,.....		<u>\$194.10</u>

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*Sarpy County.*

1859, Dec. 28. On account of territorial taxes for 1859,	
total amount,.....	597.74

*Dixon County.*

1860, Jan. 2. On account of territorial taxes for 1859,	
total amount,.....	71.29

*Pawnee County.*

1860, Jan. 7. On account of territorial taxes for 1859,	
total amount,.....	137.47

*Dakota County.*

1860, Jan. 10. On account of territorial taxes for 1858,.....		\$32.00
1860, March 14. On account of territorial taxes for 1859,.....	\$75.20	
1860, June 5. On account of territorial taxes for 1859,.....	77.50	
		<u>142.70</u>

Total amount received from Dakota county,.....	\$174.70
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*Recapitulation.*

Cass county, .....	\$127.15
Dodge county,.....	422.34
Nemaha county, .....	467.95
Otoe county,.....	2,220.25
Douglas county, .....	3,010.60
Richardson county,.....	200.00
Johnson county,.....	299.61
Washington county,.....	194.10
Sarpy county,.....	597.74
Dixon county,.....	71.29
Pawnee county,.....	137.47
Dakota county,.....	174.70
Total, .....	<u>\$7,923.20</u>

*W. W. Wyman, Territorial Treasurer, in account with the Territory of Nebraska.**Dr.*

1856, May 14. To amount rec'd from Treas. Cass co.,....	\$66.30
June 16.       "       "       Dodge co.,...	20.20
"       "       "       Nemaha co.,..	30.00
July 1.       "       on account of territorial bonds,.....	4,000.00
Carried forward,.....	<u>\$4,116.50</u>

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Brought forward, .....		\$4,116.50
1857, Feb. 13.	To amount rec'd from Treas. Otoe co.,....	250.00
July 7.	" " Douglas co.,..	377.67
1857, Aug. 15.	" " Douglas co.,..	\$978.06
Sept. 10.	" " "	260.00
1858, Dec. 16.	" " Otoe co.,....	378.46
1859, Jan. 13.	" " "	788.21
Aug. 12.	" " Rich'rds'n co,	
	for 1858,	200.00
Oct. 15.	" " Johnson co.,	
	for 1857,	98.75
" 28.	" " Johnson co.,	
	for 1858,	44.83
Dec. 10.	" " Dodge co.,	
	for 1859,	85.80
" 15.	" " Otoe co., for	
	1859, ...	243.75
" 16.	" " Cass co., for	
	1859, ...	60.85
" 2.	" " Nemaha co.,	
	1857, ...	437.95
"	" " Wash'gt'n co,	
	for 1859,	348.92
1860, Jan. 2.	" " Sarpy co., for	
	1859, ...	597.74
"	" " Douglas co.,	
	for 1859,	2,069.37
"	" " Dixon co., for	
	1859, ...	71.29
" 7.	" " Pawnee co, for	
	1858, ...	137.47
" 10.	" " Dakota co, for	
	1858, ...	32.00
" 12.	" " Dodge co., for	
	1859, ...	165.02
M'ch. 14.	" " Dakota co, for	
	1859, ...	65.20
June 5.	" " Dakota co, for	
	1859, ...	77.50
" 8.	" " Otoe co., for	
	1859, ...	451.50
Dec. 5.	" " Dodge co, for	
	1860, ...	171.47
" 19.	" " Johnson co, for	
	1859, ...	156.08
Total, .....		\$12,772.67
Balance due W. W. Wyman, .....		11.21
		<hr/>
		\$12,783.88

*W. W. Wyman, Territorial Treasurer, in account with the Territory of Nebraska.*

		Cr.		
1856, June 16.		By amount paid treasurer of Dodge county,		
		for mileage and fees.....	\$14.50	
Dec. 18.		for blank books for treasurer's office.....	5.00	
	18.	for drawing territorial b'ds	5.00	
1857, Jan. 1.		for semi-annual interest on territorial bonds.....	300.00	
	Aug. 15.	" " .....	55.00	
1858, Jan. 4.		on account of semi-annual interest.....	55.00	
1859, Aug. 12.		Treasurer of Richardson co. for mileage.....	25.00	
	Oct. 15.	Treasurer of Johnson co. for mileage.....	20.00	
	28.	" " .....	20.00	
	Dec. 28.	" Washington co.	4.40	
1860, Jan. 2.		per centage allowed Treas. Sarpy co..	59.77	
	2.	mileage " " .....	2.40	
	2.	" " " Dixon co..	26.00	
	2.	per centage " " .....	7.12	
	7.	and mileage " " Pawnee co.	42.36	
	10.	mileage " " Dakota co.	22.00	
	17.	amount paid on account of semi-annual interest on bonds.....	120.00	
	M'ch. 14.	mileage to treasurer of Dakota co....	20.00	
	Dec. 19.	" " Johnson co....	18.00	
		warrants redeemed.....	11,736.73	
				<b>\$12,783.88</b>

Your committee would further state, and as appears from the statement of the Auditor, there have been levied in the years mentioned in this report taxes, in all, amounting to thirty-four thousand three hundred and twenty-four dollars and eighteen cents (\$34,324.18). There has been paid in by the county treasurers, during the time mentioned, up to this date the sum of seven thousand, nine hundred and twenty-three dollars and twenty cents (\$7,923.20), leaving the large balance of \$26,400.93 still in the hands of the county treasurers, including the amount due from delinquent taxes.

Your committee would urge the importance of so amending the revenue law as to require the county treasurers, under penalty, to make full statement and pay over all money belonging to the Territory on account of the territorial tax, within a specified time.

The large difference in the amount received by the territorial treasurer, as compared with the amount levied, collected, and in the hands of the county treasurers, calls for some action on the part of the Legisla-

ture in order that the Territory may not be compelled to pay interest on this large amount which is now in the hands of the county treasurers, rightfully belonging to the Territory.

All of which is respectfully submitted.

M. H. CLARK,  
JAMES DAVIDSON,  
F. A. TISDEL, JR.

H. F. No. 101, "A bill to authorize the erection of a toll bridge over Salt creek."

Was taken up.

On motion of Mr. Mathias,

The report of the committee recommending that the bill do not pass.

Was adopted.

C. B. No. 18, "An act to incorporate the Baptist church of Cuming city."

Read a third time,

On motion,

Passed and title agreed to.

H. F. No. 88½, "A bill for an act to regulate the laying out of towns and villages."

Read third time,

On motion,

Passed and title agreed to.

H. F. No. 87, "Joint resolution for the relief of F. Wilkinson."

Was taken up.

Mr. Lockwood, moved to amend by inserting "\$75" instead of "120."

Lost.

Mr. Davidson of Sarpy moved to indefinitely postpone the resolution.

Mr. Lowe of Douglas, moved to lay the motion to postpone on the table.

Carried.

Mr. Sollenberger of Otoe, moved that Mr. Wilkinson be allowed to speak on the resolution.

Carried.

Mr. Lockwood of Dakota, moved to amend by inserting "100" instead of "120."

Lost.

Resolution read third time.

On motion,

Passed and title agreed to.

The Committee on Judiciary to which was referred

H. F. No. 60, "A bill for an act to apportion the members of the House of Representatives of the Territory of Nebraska."

And,

H. F. No. 103, "A bill for an act to legalize the acts of the county commissioners of Dixon county."

Respectfully report the same back and recommend that they do pass.  
The committee also report back

H. F. No. 54, "An act to amend section 501 of the Code of Civil procedure."

And,

H. F. No. 82, "An act to amend an act entitled 'An act relating to money of account and interest,' approved March 14th, 1855,"

And recommend they do not pass.

Also,

H. F. No. 91, "A bill for an act to amend sec. 510 of the Code of Civil Procedure."

With the accompanying substitute, and recommend the passage of the same.  
W. F. Lockwood, Chairman.

Mr. Mead of Washington, introduced

H. F. No. 123, "A bill for an act to locate and establish a territorial road from Fontenelle in Washington county, to the northern boundary of said county."

Read first time.

On motion,

Rules suspended and bill read second time by title, and referred to the Committee on Roads.

On motion,

The House at 5 o'clock adjourned.

GEO. L. SEYBOLT, Chief Clerk.

HOUSE OF REPRESENTATIVES,  
Thursday, January 3d, 1860. }

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Journal read and approved.

Mr. Tisdell of Richardson, presented the petition of L. B. Prouter and others, praying for the passage of an act to restrain hogs from running at large in all that part of Richardson county west of the Half-breed line as now established.

On motion,

Referred to the Committee on Agriculture.

Mr. Tisdell of Richardson, presented the remonstrance of W. H. Holbrook and others, against the passage of a hog law in Richardson county.

Referred to Committee on Agriculture.

On motion,

Mr. Baker of Nemaha, introduced

H. F. No. 124, "An act to authorize Jno. A. Burbank to erect a mill dam across the Great Nemaha river."

Read first time.

On motion,

Rules suspended and bill read second time by title, and referred to the Committee on Corporations.

Mr. Barrett of Dixon, introduced

H. F. No. 125, "A bill for an act to locate a territorial road from Ponca via Ionia to North Bend."

Read first time.

On motion,

Rules suspended and bill read second time by title, and referred to the Committee on Roads.

Mr. Parker of Clay, presented the petition of George M. Crozier and sixteen others, praying for a territorial road from Aspinwall in Nemaha county to Beatrice in Gage county."

On motion,

Referred to the Committee on Roads.

Mr. Barrett of Dixon, introduced

H. F. No. 126, "A bill for an act to incorporate the Omaha Gas Company."

Read first time.

On motion,

Rules suspended and bill read second time by title, and referred to the Committee on Internal Improvements.

Mr. Cowles of Otoe, introduced

H. F. No. 127, "A bill for an act to locate a penitentiary at Wyoming."

Read first time.

On motion,

Rules suspended, and bill read second time by title and referred to Committee on Internal Improvements.

Mr. Parker of Clay, introduced

H. F. No. 128, "A bill for an act to locate a territorial road from Aspinwall in Nemaha county, to Beatrice in Gage county."

Read first time.

On motion,

Rules suspended, and bill read second time by title and referred to Committee on Roads.

Mr. Mullen of Cass, introduced

H. F. No. 129, "A bill for an act to amend an act, entitled 'An act to incorporate a University to be located in Cass county,'" approved Oct. 23d, 1858.

Read first time.

On motion,

Rules suspended, and bill read a third time by title.

Passed and title agreed to.

Mr. Cowles of Otoe, moved that the Committee on Internal Improvements be instructed to report back to the House without amendment

H. F. No. 127, "A bill for an act to locate a penitentiary at Wyoming,"

To-morrow.

Lost.

Mr. Reddick of Douglas, from the special committee to which was referred the Governor's message of December 26th, 1860, submitted a report.

Mr. Clark of Douglas, moved that the report be adopted.

Mr. Mathias of Otoe, moved that the report be rejected.

Upon which the ayes and nays were demanded:

Ayes—Messrs. Baker, Barnum, Beane, Cavins, Chase, Cleburne, Coleman, Cotterell, Davis, Fisher, Fowler, Griffin, Hacker, Hedde, Lockwood, Mathias, Mullen, Parker, Reed, Sibley, Sollenberger, Tisdell and Whaley.—23.

Nays—Messrs. Clark, Cowles, Davidson, Downs, Gates, Gilmour, Grebe, Hyde, Lowe, Millard, Porter and Reddick.—12.

Carried.

The Committee on Corporations to which was referred

C. B. No. 30, "A bill for an act to incorporate the South Nebraska rail road company,"

Report the same back and recommend its passage.

Also,

C. B. No. 10, "A bill for an act to incorporate the Plattsmouth, Fort Kearney and Denver City rail road company,"

Report it back and recommend its passage with the following amendments:

In line 7, section 1, strike out "Wheatly Micklewaite," and insert "Wm. H. Taylor."

In line 10, section 2, strike out the words "up said Platte river."

In line 2, section 6, insert after the word "with," "the owners of."

In line 5, section 8, strike out all after the word "stockholder," to the period after the word "Territory," in the 7th line.

To section 18, add "or at the option of said company, said subscription may be collected by law as in other cases of debt."

In line 12, section 19, strike out the word "necessary," and insert "deemed most expedient by said company."

In line 3, section 20, after the word "cash," insert "provided they be taken at a fair appraisal, to be made in such manner as the board may direct."

In line 3, section 23, strike out all after the word "company," and insert "the board of directors may call special meetings of the stockholders for the consideration of any question they may desire to submit for their action."

Your committee also report back.

H. F. No. 7, "A bill for an act to authorize D. L. Herrington and others to establish a ferry across the north fork of the Platte river,"

And recommend that it do not pass.

WM. GILMOUR,  
H. P. DOWNS,  
J. I. REDDICK,  
S. P. SIBLEY.



Mr. Baker of Nemaha, moved that the House take up H. F. No. 73, "A bill for an act to allow the funding of the territorial indebtedness."

Carried.

Mr. Cleburne of Sarpy, moved to amend section 2, by inserting "six per cent," in place of "eight per cent," in said section.

Lost.

Mr. Davidson of Sarpy, moved to insert "7."

Carried.

Mr. Millard of Douglas, moved to strike out "and," in the fifth line of section 2, and insert after the words "one hundred," "fifty dollars."

Carried.

Mr. Lockwood of Dakota, moved to amend section 3, by striking out the word "next" in second line, and inserting "1861."

Carried.

Mr. Millard of Douglas, moved that "one hundred" in sec. 4 be stricken out and "fifty" inserted therein.

Carried.

Mr. Reddick of Douglas, moved to reconsider the vote by which sec. 2 was adopted.

Carried.

Mr. Reddick of Douglas, moved to strike out "7" and insert "5" in said section.

Lost.

Mr. Reddick, moved to strike out "7" and insert "6,"

Upon which the ayes and nays were demanded:

Ayes—Messrs. Cavins, Chase, Clark, Cleburne, Coleman, Downs, Fowler, Gates, Gilmour, Griffin, Hyde, Lowe, Parker, Porter, Reddick, Sibley, Sollenberger and Tisdell.—18.

Nays—Messrs. Baker, Barnum, Beane, Cotterell, Cowles, Davidson, Fisher, Hacker, Hedde, Lockwood, Millard, Mullen, Reed and Whaley.—14.

Carried.

Mr. Cleburne of Sarpy, moved to amend sec. 6, by striking out "3-10" and inserting "1-10."

Carried.

Message from the Council:

COUNCIL CHAMBER,  
Jan. 2d, 1861. }

Mr. Speaker:

I am instructed to inform your honorable body that the Council has passed

C. B. No. 44, "An act to incorporate Table Rock Seminary,"

Also,

C. B. No. 54, "An act to amend an act to authorize James H. McCordle to erect and keep a mill-dam across the Great Papillon creek in Douglas county,"

Thursday, January 3d, 1861.

And your concurrence therein is respectfully requested.

I am also directed to return to your honorable body,

H. F. No. 105, "An act to locate and establish a territorial road from the mouth of the Platte river in Cass county, to New Fort Kearney in Nebraska Territory,"

The same having passed the Council without amendment.

I also return you herewith

H. F. No. 2, "A bill for an act regulating the fees and salaries of certain officers,"

With certain amendments attached thereto, as passed by the Council.

E. P. BREWSTER, Chief Clerk.

Mr. Millard of Douglas, moved to amend sec. 2, by striking out "66" in third line and inserting "72."

Carried.

Mr. Cleburne of Sarpy, moved to amend section 6 by striking out "3-10 in the 11th line and inserting 1-10."

Carried.

Mr. Lockwood of Dakota, moved to amend section 11 by striking out of 4th line "this act" and inserting "by law."

Carried.

Mr. Davis of Cass, moved to amend section 6 by inserting after the word "equalization" in the 5th line the words "which shall not exceed one mill,"

Mr. Downs of Otoe, moved that the bill be ordered engrossed for a third reading.

Carried.

The select committee to whom was referred:

H. F. No. 120, "Memorial and joint resolution relative to a mail route,"

Beg leave to report the same back, with the amendment proposed by the House incorporated therein.

JOEL T. GRIFFIN, Chairman.

Mr. Downs of Otoe, moved to take up.

H. F. No. 2, "An act regulating the fees and salaries of certain officers,"

Pending which,

On motion,

The House took a recess until 2½ o'clock P. M.

*Afternoon Session—2½ o'clock P. M.*

House met.

H. F. No. 2, "A bill for an act regulating the fees and salaries of certain officers."

Was taken up,

The question being,

"Shall the House concur in the amendments of the Council?"

Question put and

**Lost.**

**Mr. Downs of Otoe**, moved that a committee of conference consisting of three on the part of the House, be appointed to confer with a like committee on the part of the Council, on the amendments to said bill.

**Carried.**

**Messrs. Downs, Reddick and Lockwood** were appointed said committee.

On motion of **Mr. Davidson of Sarpy**,

The House went into Committee of the Whole, having under consideration,

**H. F. No. 50**, "A bill for an act to create the office of Precinct Assessor,"

And,

**C. B. No. 27**, "An act providing for the election of Assessors."

**Mr. Davis of Cass**, in the chair.

After remaining therein some time the committee arose and through the chairman, reported the bills back to the House without recommendation.

On motion of **Mr. Downs of Otoe**,

The bills were referred to a special committee of three consisting of **Messrs. Davidson, Griffin and Downs**.

**H. F. No. 29**, "A bill for an act to exempt a certain amount of personal property from taxation and regulate the manner of assessing real estate,"

Was taken up.

**Mr. Cleburne of Sarpy**, moved to amend by adding the following for sections 1 and 2:

**SEC. 1.** Be it enacted by the Council and House of Representatives of the Territory of Nebraska, That in the assessment of real estate used and occupied exclusively for agricultural purposes, and other than lots situated within the limits of an incorporated city, town or village, the assessor shall not value the same higher by reason of any improvements thereon made exclusively for agricultural purposes, unless such improvements shall exceed in value the sum of \$1000, when the excess above \$1000 only shall be assessed and taxed.

**Carried.**

**Mr. Cleburne of Sarpy**, moved that the title be amended so as to read as follows: "A bill for an act to regulate the manner of assessing real estate."

**Carried.**

On motion,

Bill read a third time,

Passed and title agreed to.

**Mr. Mathias of Otoe**, moved that the House go into Committee of the Whole on

**H. F. No. 39**, "A bill for an act to define the powers and duties of county commissioners and county clerks."

**Carried.**

Mr. Millard of Douglas in the chair.

"After remaining some time therein, the committee arose and through the chairman, reported the bill back to the House with several amendments thereto attached, and recommended the passage of the bill as amended.

Report adopted, and bill ordered engrossed for a third reading.

Message from the Council:

COUNCIL CHAMBER,  
January 3d, 1861. }

*Mr. Speaker :*

I am instructed to inform your honorable body that the Council have passed

C. B. No. 60, "An act to authorize executions to issue from the supreme court in certain cases."

C. B. No. 39, "An act to incorporate the Omaha Lodge, No. 2, I. O. O. F."

C. B. No. 59, "An act to provide for the appointment of clerks for the district courts of this Territory,"

And the concurrence of the House is respectfully solicited.

I also return you herewith,

H. F. No. 19, "A bill authorizing J. S. Carr, his associates, heirs or assigns, to keep a mill dam across the south branch of Weeping Water in Cass county."

H. F. No. 66, "Joint resolution and memorial for an essay office in Nebraska Territory."

H. F. No. 72, "A bill for an act to authorize the county commissioners of Washington county, to build a bridge across the Elkhorn river at Fontenelle."

H. F. No. 15, "An act to establish a ferry across the Missouri river in Burt county."

H. F. No. 26, "A bill for an act to encourage the cultivation of fruit, forest and ornamental trees,"

H. F. No. 74, "Memorial and joint resolution relative to the establishment of a tri-weekly route from Dakota City to Fort Randall."

H. F. No. 89, "A bill for an act to restrain sheep and swine from running at large in the counties of Johnson and Clay."

H. F. No. 93, "A bill for an act to locate a territorial road from Nebraska City to Brownville."

H. F. No. 106, "A bill for an act to re-survey a part of the territorial road leading from Nebraska City to Tecumseh in Johnson county."

H. F. No. 92, "A bill for an act to incorporate the United Presbyterian church of Rock Bluff City."

H. F. No. 117, "A bill for an act to amend 'An act to incorporate a seminary to be located in Cass county, N. T.,' approved October 23, 1858."

H. F. No. 118, "A bill for an act authorizing the commissioners of Nemaha county, to re-levy the taxes for 1860."

The same having passed the Council without amendment.

I also have to inform you that the Council have passed  
C. B. No. 45, "A bill for an act to provide for the publication and distribution of the laws of the Territory,"

And,

C. B. No. 41, "An act to vacate a part of the town plat of the town of Fremont, in Dodge county,"

And your concurrence therein is respectfully requested.

E. P. BREWSTER, Chief Clerk.

Mr. Downs of Otoe, moved that when the House adjourn it adjourn until Saturday morning at 10 o'clock.

Upon which the ayes and nays were demanded.

Ayes—Messrs. Clark, Cotterell, Downs, Gates, Gilmour and Sibley.—6.

Nays—Messrs. Baker, Barnum, Beane, Cavins, Chase, Cleburne, Cowles, Davidson, Davis, Fisher, Hacker, Hedde, Hyde, Lockwood, Lowe, Mathias, Mead, Millard, Mullen, Parker, Porter, Reddick, Reed, Sollenberger, Tisdell and Whaley.—26.

Lost.

C. B. No. 4, "An act to vacate a part of the town plat of the town of Fremont in Dodge county."

Read first time.

On motion,

Rules suspended and bill read second and third times by title.

Passed and title agreed to.

Mr. Mead of Washington, on leave introduced

H. F. No. 130, "A bill for an act to locate a territorial road from Fort Calhoun in Washington county, to Fontenelle in same county."

Read first time.

On motion,

Rules suspended, and bill read second and third times by title.

Passed and title agreed to.

On motion of Mr. Reddick,

House adjourned.

GEO. L. SEYBOLT, Chief Clerk.

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HOUSE OF REPRESENTATIVES,  
Friday, January 4th, 1861. }

The House met at the usual hour.

The Speaker in the chair.

Prayer by the Chaplain.

A quorum being present, the Journals were read and approved.

Mr. Parker of Clay, chairman of the Committee on Engrossed and Enrolled Bills, submitted the following report:

*Mr. Speaker:*

Your Committee on Engrossed and Enrolled Bills report:

H. F. No. 73, "A bill for an act to allow the funding of the indebtedness of the Territory."

Correctly engrossed.

H. W. PARKER, Chairman.

Mr. Lowe of Douglas, called up the following resolution offered by him, which was laid over under the rule.

Resolved, That a committee of 5 be appointed by the chair to confer with a like committee on the part of the Council in regard to the existing troubles of our common country.

Call of the House had.

Absent—Messrs. Barnum, Grebe, Hyde, Mathias, Mead and Whaley.

Mr. Lowe of Douglas moved that the Sergeant-at-arms be dispatched for absentees.

Carried.

Messrs. Grebe, Hyde and Matthias having appeared within the House.

On motion of Mr. Griffin of Douglas,

All further proceedings under the call were dispensed with.

The question occurring upon the passage of the resolution.

The ayes and nays were demanded with the following result:

Ayes—Messrs. Baker, Cavins, Chase, Clark, Cleburne, Coleman, Davidson, Downs, Fisher, Fowler, Gates, Gilmour, Grebe, Hacker, Lowe, Millard, Parker, Porter, Reddick, Sibley, Sollenberger and Tisdell.—22.

Nays—Messrs. Barrett, Beane, Cotterell, Cowles, Davis, Griffin, Hedde, Lockwood, Mathias, Mullen and Read.—11.

So the resolution was

Adopted.

The chair appointed Messrs. Baker, Davis, Lowe and Hyde said committee.

Mr. Gilmour of Cass, chairman of the Committee on Corporations, submitted the following report:

*Mr. Speaker:*

Your committee have had under consideration

H. F. No. 126, "A bill for an act to incorporate the Omaha Gas company,"

And recommend that it do not pass.

WM. GILMOUR,  
H. P. DOWNS,  
S. P. SIBLEY,  
J. I. REDDICK,  
F. HEDDE.

Mr. Davis of Cass, chairman of the Committee on Privileges and Elections, submitted the following report:

*Mr. Speaker:*

Your Committee on Elections to whom was referred

H. F. No. 77, "A bill for an act entitled an act to amend an act entitled 'An act to apportion the House of Representatives of the territory of Nebraska.'"

Report the same back to the House without recommendation.

W. R. DAVIS,  
M. H. CLARK.

Mr. Davidson of Sarpy, from a special committee, submitted the following report:

*Mr. Speaker:*

Your select committee to whom was referred:

H. F. No. 50, "For an act to create the office of Precinct Assessor,"

Also,

C. B. No. 27, "For an act providing for the election of assessors,"

Have had the same under consideration, and beg leave to report the same back with the following amendments to H. F. No. 50, and recommend its passage:

Strike out all in the second line of the first section between the words "that" and "by" and insert "at the annual election to be held on the second Tuesday of October, 1861, and each year thereafter."

Sec. 9 is to be amended to read as follows: "The precinct assessor shall assess the property of his precinct between the 25th day of March and the 25th day of April as required by law, and the said assessors shall meet at the office of the county clerk in their county, on the first Tuesday in May, and shall equalize the assessments, and shall return their lists to the county clerk on or before the tenth day of May."

After sec. 9 add the following section: "The county commissioners of each county may on or before the first day of February, A. D. 1861, appoint an assessor of taxes in each precinct, who shall hold his office until the second Tuesday of October following, and until his successor shall be elected and qualified, and who shall perform all the duties, and receive the same compensation as assessors elected under the provisions of this act, but a failure on the part of the county commissioners of any county to appoint such assessors, shall not render the the assessment and valuation of property in any such county illegal, if such assessment and valuation is made in accordance with the laws already existing relating to the assessment and valuation of property and the collection of taxes."

JAMES DAVIDSON, Chairman.  
H. P. DOWNS,  
JOEL T. GRIFFIN,

Mr. Gilmour of Cass, chairman of the Committee on Corporations submitted the following report:

*Mr. Speaker :*

Your Committee on Corporations have had under consideration C. F. No. 5 and recommend its passage with the following amendments:

In line 8, sec. 1, strike out the word "ten" and insert eight."

Add to sec. 4. "The Legislature shall have power from, and after January, 1866, to alter the above rates of ferriage and toll."

Strike out all of sec. 6 and insert the following substitute: "The ferry privilege shall extend for the term of ten years: Provided, a boat is provided, and in good running order in eight months, and the toll bridge privilege shall extend for the term of twenty years, provided a sufficient bridge is built in six years from the passage of this act. If the conditions herein mentioned are not complied with in their true intent and meaning this charter shall be void, and nothing herein contained shall be so construed as to interfere with any privileges heretofore granted.

WM. GILMOUR, Chairman.

H. P. DOWNS,

J. I. REDDICK,

S. P. SIBLEY,

FRED. HEDDE.

Mr. Griffin of Douglas, on leave, introduced

H. F. No. 131, "A bill for an act to locate a territorial road from Omaha City, in Douglas county, to Hazleton, in Sarpy county."

Read the first time.

The rules were suspended, the bill by its title read a second time.

C. B. No. 39, "A bill for an act to incorporate the Omaha Lodge No. 2 of I. O. of O. F."

Read the first time.

The rules were suspended, the bill by its title read a second time.

The rules were again suspended.

Read a third time.

Passed and title agreed to.

C. B. No. 54, "A bill for an act to authorize Jas. H. McCardle to erect and keep a mill dam across the Great Pappillion creek in Douglas county."

Read the first time.

On motion of Mr. Griffin of Douglas,

The rules were suspended, the bill by its title read a second time.

The rules were again suspended.

Read a third time.

Passed and title agreed to.

C. B. No. 60, "An act to authorize executions to issue from the supreme court for certain purposes."

Read the first time.

The rules were suspended, the bill by its title read a second time and referred to the Committee on Judiciary.

C. B. No. 44, "An act to incorporate Table rock seminary."

Read the first time.

The rules were suspended, the bill by its title read a second time.



The rules were again suspended.

Read a third time.

Passed and title agreed to.

C. B. No. 12, "A bill for an act to vacate the town of Archer in Richardson county.

Read the first time.

Mr. Mullen of Cass, moved that the rules be suspended and the bill by its title read a second and third time and put upon its passage.

Upon which the ayes and nays were demanded.

Ayes—Messrs. Baker, Cavins, Cleburne, Gates, Grebe, Hacker, Hyde and Reed.—9

Nays—Messrs. Clark, Cotterell, Cowles, Davidson, Davis, Downs, Fisher, Fowler, Gilmour, Griffin, Hedde, Lockwood, Matthias, Mead, Millard, Parker, Porter, Reddick, Sibley, Sollenberger, Tisdell and Whalley.—22.

So the motion to suspend the rules was

Lost.

Mr. Baker of Nemaha, on leave, introduced

H. F. No. 132, "A bill for an act to incorporate the Platte river bridge company."

Read the first time.

On motion of Mr. Downs of Otoe,

The rules were suspended, the bill by its title read a second and third time.

Passed and title agreed to.

Mr. Parker of Clay, Chairman of the Committee on Engrossed and Enrolled Bills, submitted the following report:

*Mr. Speaker:*

Your Committee on Engrossed and Enrolled Bills report substitute for

H. F. Nos. 44 and 8, "A bill for an act to provide for the valuation and assessment of the real and personal property, and for the levying and collection of taxes."

Also,

H. F. No. 39, "A bill for an act to define the powers and duties of county commissioners and county clerk,"

Correctly engrossed.

H. W. PARKER, Chairman.

C. B. No. 45, "A bill for an act to provide for the publication and distribution of the laws of the territory."

Read the first time.

Mr. Lockwood of Dakota, moved that the rules be suspended and the bill by its title read a second time and made the special order for this afternoon.

Call of the House had.

Absent—Mr. Lowe.

Friday, January 4th, 1861.

On motion of Mr. Barrett of Dixon,

All further proceedings under the call were dispensed with.

The question being on the suspension of the rules.

The ayes and nays were demanded with the following result:

Ayes—Messrs. Baker, Barnum, Barrett, Beane, Cavins, Chase, Coleman, Cotterell, Cowles, Davis, Fisher, Fowler, Gilmour, Griffin, Hacker, Hedde, Lockwood, Mead, Mullen, Parker, Reed, Sollenberger, Tisdell and Whaley.—24.

Nays—Messrs. Clark, Cleburne, Davidson, Davis, Gates, Grebe, Hyde, Millard, Porter and Reddick.—10.

So the motion to suspend the rule was

Carried.

Mr. Reddick of Douglas, moved to amend section by striking out the name of "Erastus D. Webster" and inserting "Henry Z. Curtis."

Withdrawn.

The bill by its title read a second and third time.

The question being upon its passage, the ayes and nays were demanded with the following result:

Ayes—Messrs. Baker, Barnum, Barrett, Beane, Cavins, Chase, Coleman, Cotterell, Cowles, Davidson, Davis, Fisher, Fowler, Gilmour, Griffin, Hacker, Hedde, Lockwood, Mead, Mullen, Parker, Reed, Sollenberger, Tisdell and Whaley.—25.

Nays—Messrs. Clark, Cleburne, Gates, Grebe, Hyde, Millard, Porter and Reddick.—8.

So the bill was

Passed and title agreed to.

C. B. No. 59, "A bill for an act to provide for the appointment of clerks for the District Court of this Territory."

Read the first time.

On motion of Mr. Mullen of Cass,

The rules were suspended, the bill by its title read a second time and referred to the Committee on Judiciary.

H. F. No. 73, "A bill for an act to allow the funding of the indebtedness of the Territory."

Read a third time.

Passed and title agreed to.

C. B. No. 14, "Memorial and joint resolution asking the Congress of the United States for an appropriation to complete the Capitol of Nebraska and to build a penitentiary for the Territory."

Read a third time.

Passed and title agreed to.

H. F. No. 22, "A bill for an act to incorporate the Missouri and Western Telegraph Company,"

Taken up.

Mr. Mathias of Otoe, moved to strike out all of sec. 11.

Upon which the ayes and nays were demanded with the following result:

**Ayes**—Messrs. Beane, Cavins, Cotterell, Cowles, Hedde, Matthias, Parker, Sibley and Sollenberger.—9.

**Nays**—Messrs. Baker, Barnum, Chase, Clark, Cleburne, Coleman, Davidson, Davis, Fisher, Fowler, Gates, Gilmour, Grebe, Griffin, Hacker, Hyde, Lockwood, Lowe, Mead, Millard, Mullen, Porter, Reddick, Reed, Tisdell and Whaley.—26.

So the motion was lost.

Mr. Fisher of Nemaha, moved to strike out in sec. 11 all after the word "act."

Withdrawn.

Mr. Downs of Otoe, moved to take a recess until 2½ o'clock P. M.

Lost.

Mr. Cavins of Otoe, moved that the bill be indefinitely postponed.

Lost.

Mr. Lockwood of Dakota, moved to amend sec. 11 by inserting after the words "five years" "the property of," and in the 3d line of said section strike out all after the words "taxes" and "as other property."

Carried.

Mr. Cavins of Otoe, moved to strike out all of sec. 3.

Lost.

Mr. Clark of Douglas, moved that the bill be ordered engrossed for a third reading.

Carried.

On motion,

The House took a recess until 2½ o'clock P. M.

*Afternoon Session—2½ o'clock P. M.*

Mr. Parker of Clay, chairman of the Committee on Enrolled and Engrossed Bills, submitted the following report:

*Mr. Speaker :*

Your Committee on Enrolled and Engrossed Bills, would respectfully report that they have this day presented to the Governor, correctly enrolled,

H. F. No. 74, "Memorial and Joint Resolution relative to a mail route."

H. F. No. 92, "An act to incorporate the United Presbyterian Church of Rock Bluffs city."

H. F. No. 106, "A bill for an act to re-survey a part of the territorial road leading from Nebraska city in Otoe county, to Tecumseh in Johnson county."

H. F. No. 15, "An act to establish a ferry across the Missouri in Burt county."

H. F. No. 89, "A bill for an act to restrain sheep and swine from running at large in the counties of Johnson and Clay."

H. F. No. 72, "An act to authorize the county commissioners of Washington county to build a bridge across the Elkhorn river at Fontenelle."

H. F. No. 117, "An act to amend 'An act to incorporate a seminary to be located in Cass county, N. T.'"

Which took effect Oct. 23d, 1858.

H. F. No. 26, "An act to encourage the cultivation of fruit, forest and ornamental trees in the Territory of Nebraska."

H. F. No. 118, "An act to authorize the county commissioners of Nemaha county to relevy the taxes of said county for the year 1860."

H. F. No. 93, "An act to locate a territorial road from Nebraska city to Brownville."

H. F. No. 66, "Joint resolution and memorial for an assay office."

Also,

H. F. No. 105, "An act to locate a territorial road from Plattsmouth to Fort Kearney."

Also,

H. F. No. 19, "A bill for an act to authorize J. S. Carr, his associates or assigns, to keep a mill dam across the south branch of Weeping Water, in Cass county.

H. W. PARKER, Chairman.

H. F. No. 91, "A bill for an act to amend section 531 of the Code of Civil Procedure."

Taken up.

Mr. Griffin of Douglas moved to amend by adding to the bill the following section:

"This act shall take effect and be in force from and after its passage."

Mr. Clark of Douglas moved to amend section 1st, 7th line, by inserting after the word "otherwise" "when ten days' notice shall have been given of their intention of testifying in any case."

Mr. Reddick of Douglas, moved to amend the amendment by striking out all of section 1.

Upon which the ayes and nays were demanded, with the following result:

Ayes—Messrs. Cleburne, Cowles, Davis, Gates, Grebe, Hyde, Lowe, Reddick, Sollenberger and Tisdell.—10.

Nays—Messrs. Barrett, Beane, Chase, Clark, Coleman, Cotterell, Davidson, Fisher, Gilmour, Griffin, Hacker, Hedde, Lockwood, Matthias, Millard, Mullen, Parker, Reed and Whaley.—19.

Lost.

The question occurring on the original amendment, it was

Lost.

Mr. Reddick of Douglas, moved to amend by inserting the words "at law," after the word "cases," in 5th line.

Upon which the ayes and nays were demanded with the following result:

**Ayes**—Messrs. Downs, Gates, Porter and Reddick.—4.

**Nays**—Messrs. Baker, Barnum, Barrett, Beane, Cavins, Chase, Clark, Cleburne, Coleman, Cotterell, Cowles, Davidson, Davis, Fisher, Gilmour, Grebe, Griffin, Hacker, Hedde, Hyde, Lockwood, Lowe, Mathias, Mead, Millard, Mullen, Parker, Reed, Sollenberger, Tisdell and Whaley.—31.

**Lost.**

Mr. Whaley of Platte, moved to amend by inserting in the 9th line after the word "party to a suit," and after "testify," the words "in his own behalf."

**Carried.**

Mr. Reddick of Douglas, moved to amend by inserting after the word "Indians," the words "mulatto or negro."

**Withdrawn.**

Mr. Davis of Cass, moved to strike out all after the enacting clause.

Upon which the ayes and nays were demanded with the following result:

**Ayes**—Messrs. Barrett, Clark, Cleburne, Coleman, Cowles, Davis, Downs, Gates, Grebe, Hyde, Lowe, Millard, Porter and Reddick.—14.

**Nays**—Messrs. Baker, Barnum, Beane, Cavins, Chase, Cotterell, Davidson, Fisher, Fowler, Gilmour, Griffin, Hacker, Hedde, Lockwood, Matthias, Mullen, Reed, Sibley, Sollenberger and Whaley.—20.

**Lost.**

Mr. Reddick of Douglas moved to amend by inserting after the word "Indian" the words "mulatto or negro."

Upon which the ayes and nays were demanded with the following result:

**Ayes**—Messrs. Baker, Barnum, Barrett, Beane, Cavins, Chase, Clark, Cleburne, Coleman, Cowles, Davis, Downs, Fowler, Gates, Hacker, Hyde, Lowe, Millard, Mullen, Porter, Reddick, Sibley and Sollenberger.—23.

**Nays**—Messrs. Cotterell, Davidson, Fisher, Gilmour, Griffin, Hedde, Lockwood, Mathias, Mead, Parker, Reed and Whaley.—12.

**Adopted.**

Mr. Reddick of Douglas moved to amend by adding the following to the last of sec. 2: "Provided that nothing herein shall be so construed as to affect any contracts made prior to the passage of this act."

**Lost.**

Mr. Reddick of Douglas moved to amend by inserting after line 11 of sec. 9 the following: "Provided this act shall not affect suits now pending in court."

Upon which the ayes and nays were demanded with the following result:

Ayes—Messrs. Barnum, Clark, Coleman, Cowles, Downs, Gates, Grebe, Lockwood, Lowe, Mead, Millard, Porter, Reddick, and Sollenberger.—14.

Nays—Messrs. Baker, Beane, Cavins, Chase, Cleburne, Cotterell, Davidson, Davis, Fisher, Fowler, Griffin, Hacker, Hedde, Hyde, Mathias, Mullen, Parker, Reed, Sibley and Whaley.—20.

Amendment lost.

On motion,

Section 2 was adopted.

Mr. Reddick of Douglas, moved to insert "532" in place of "531" in third section.

Lost.

Mr. Cavins of Otoe, offered the following to be added as a new section to said bill:

"In all cases where service of a summons is made on a person within the Territory, proof of such service must be made by affidavit, stating the time and manner of service; and such service shall be made in the same manner as summons are served on parties residing within the Territory."

Adopted.

Mr. Downs of Otoe, moved that the bill be ordered engrossed for a third reading.

Carried.

Mr. Parker of Clay, introduced

H. F. No. 133, "Joint resolution for the payment of the Enrolling and Engrossing Clerks."

Read first time.

On motion,

The rules were suspended, and the resolution was read a second time and referred to the Committee on Accounts and Expenditures.

Mr. Porter of Richardson, on leave introduced

H. F. No. 134, "A bill for an act to amend an act, entitled 'An act for opening, repairing and locating county roads,' approved Jan. 26th, 1856.

Read first time.

The rules were suspended and the bill by its title read a second time.

Mr. Mathias of Otoe, on leave, introduced

H. F. No. 135, "A bill for an act to authorize the county commissioners of Otoe county to pay off the indebtedness of the Otoe county Agricultural Society."

Read the first time.

On motion,

The rules were suspended and the bill by its title read a second and third time.

Passed and title agreed to.

Mr. Cleburne of Sarpy, on leave, introduced

H. F. No. 136, "A bill for an act to amend an act entitled, 'An act to authorize the election of supervisors of roads in and for Sarpy county, Nebraska Territory,' approved Jan. 12th, 1860.

**Read first time.**

On motion,

The rules were suspended and the bill by its title read a second time and referred to a special committee composed of the members of Sarpy county.

Mr. Lockwood of Dakota, moved to reconsider the vote by which C. B. No. 45, "A bill for an act to provide for the publication and distribution of the laws of the Territory."

Carried.

Mr. Lockwood of Dakota, moved to insert in the first line of section 11, the words after the word "the," "seventh nor of any future."

Carried.

Mr. Lockwood of Dakota, moved that the bill do now pass.

Bill passed and title agreed to.

Mr. Hacker of Nemaha, on leave, introduced

H. F. No. 137, "A bill for an act to incorporate the Nemaha City hydraulic company."

Read first time.

The following message was received from the Governor:

EXECUTIVE CHAMBER,  
Omaha, Jan. 4th, 1861. }

*Mr. Speaker :*

And Gentlemen of the House of Representatives of the Territory of Nebraska:

I am instructed by the Governor to inform your honorable body, that he has signed and approved the following bills:

"An act to encourage the cultivation of fruit, forest and ornamental trees in the Territory of Nebraska."

"An act authorizing the county commissioners of Nemaha county to relevy the taxes of said county for the year 1860."

"An act to locate and establish a territorial road from Plattsmouth, Cass county, to Fort Kearney, in Kearney county, Nebraska Territory."

"A Joint Resolution and Memorial for an assayoffice."

"A bill for an act to authorize J. S. Carr to erect and keep a mill dam across the south branch of the Weeping Water in Cass county."

"A Joint Resolution and Memorial relative to a mail route."

"An act to resurvey a part of the territorial road leading from Nebraska city in Otoe county, to Tecumseh in Johnson county, Nebraska territory."

"An act to authorize the county commissioners of the county of Washington to build a bridge across the Elkhorn river at Fontenelle in said county."

"An act to incorporate the United Presbyterian Church at Rock Bluff city."

JOHN McCONIHE, Private Secretary.

The rules were suspended and the bill by its title read a second and third time.

Passed and title agreed to.

Friday, January 4th, 1861.

Mr. Griffin of Douglas, on leave introduced  
H. F. No. 138, "A bill for an act to incorporate the Second Presbyterian Church of Omaha."

Read the first time,

On motion,

The rules were suspended, the bill by its title read a third time and referred to a special committee, consisting of  
Messrs. Griffin and Clark.

H. F. No. 44, "A bill for an act to provide for the valuation and assessment of the real and personal property, and for the levying and collection of taxes in the Territory of Nebraska."

Read a third time.

Passed and title agreed to.

H. F. No. 39, "A bill for an act to define the powers and duties of county commissioners and county clerk."

Read third time.

Passed and title agreed to.

C. B. No. 10, "A bill for an act to incorporate the Plattsmouth, Fort Kearney and Denver city rail road company."

Read a third time.

Passed and title agreed to.

H. F. No. 109, "A bill for an act to grant an extension to the Missouri and Pacific rail road company, and to increase the number of incorporators,"

Read a third time.

Passed and title agreed to.

Mr. Clark of Douglas, moved to adjourn.

Lost.

H. F. No. 50, "A bill for an act to create the office of Precinct Assessor."

Taken up.

Mr. Gilmour of Cass, moved to strike out all that portion of the bill requiring bond.

Lost.

On motion,

The bill was ordered engrossed for a third reading.

Mr. Clark of Douglas, moved to adjourn.

Lost.

The following message was received from the Council:

COUNCIL CHAMBER,  
January 4th, 1861. }

*Mr. Speaker :*

I am instructed to inform your honorable body that the Council have passed

C. F. No. 61, "A bill for an act to restore the rights of citizenship to Stephen G. Moran."

Also,



C. F. No. 8, "A bill for an act to regulate proceedings against insolvent corporations."

Also,

C. F. No. 66, "An act providing for the disposal of city licenses and fines."

Also,

C. F. No. 64, "A bill for an act providing for the settlement of estates of decedants and for other purposes,"

And request your concurrence therein. I am also requested to return to your honorable body

H. F. No. 129, "A bill for an act to incorporate a university to be located in Cass county, Nebraska territory," which took effect Oct. 23d, 1858.

Also,

H. F. No. 108, "An act to locate a road from Rockport, Washington county, to Elkhorn in Douglas county,"

Also,

H. F. No. 35, "A bill for an act to incorporate the Hook and Ladder company No. 1, of Omaha,"

Also,

H. F. No. 13, "An act concerning occupying claimants,"

Also,

H. F. No. 51, "A bill to amend the charter of Nebraska city,"

Also,

H. F. No. 130, "An act to amend 'An act to locate a territorial road from Ft. Calhoun in Washington county to Fontenelle in the same county,'"

Also,

H. F. No. 115, "Joint resolution in favor of Frederick Remer,"

Also,

H. F. No. 1, "A bill to regulate and establish the rate of interest on money and on contract,"

The same having passed the Council without amendment.

They have also passed:

H. F. No. 121, "An act relative to lawyers' fees,"

With certain amendments as thereto attached and ask your concurrence therein.

E. P. BREWSTER, Chief Clerk.

C. B. No. 30, "A bill for an act to incorporate the South Nebraska rail road company."

Taken up.

Mr. Reddick of Douglas, moved to amend sec. 1, by inserting the names of Moses Merrick and H. P. Downs therein.

Carried.

Mr. Reddick of Douglas, moved to insert the name of Jacob Sollenberger in sec. 1 of said bill.

Carried.

Mr. Matthias of Otoe, moved that his name be stricken out as one of the incorporators.

Carried.

Mr. Clark of Douglas, moved a reconsideration of the vote naming H. P. Downs as one of the incorporators.

Carried.

On motion,

The name of H. P. Downs was stricken out.

The bill read a third time.

Passed and title agreed to.

Mr. Lockwood of Dakota, on leave, introduced

H. F. No. 139, "A bill for act to amend an act to incorporate the town of Pawnee city," approved Nov. 4, 1858.

Read the first time.

On motion,

The rules were suspended and the bill by its title read a second and third time.

Passed and title agreed to.

Mr. Lockwood of Dakota, on leave, introduced

H. F. No. 140, "A bill for an act to restrain sheep and swine from running at large in the limits of Pawnee county."

Read the first time.

On motion,

The rules were suspended and the bill by its title read a second time and referred to the Committee on Judiciary.

Mr. Lockwood of Dakota, on leave, introduced

H. F. No. 144, "A bill for an act to repeal section 7 of an act entitled "An act to exempt the homestead and a certain amount of personal property from forced sale on execution," approved Jan. 13, 1860.

Read the first time.

On motion,

The rules were suspended, the bill by its title read a second time and referred to the Committee on Judiciary.

Mr. Reddick of Douglas, moved to adjourn.

Carried.

GEO. L. SEYBOLT, Chief Clerk.

HOUSE OF REPRESENTATIVES,  
Saturday, Jan. 5th, 1861. }

The House met pursuant to adjournment.

The Speaker in the chair.

Prayer by the Chaplain.

Journal read and approved.

Mr. Parker of Clay, chairman of the Committee on Engrossed and Enrolled Bills, submitted the following report:

*Mr. Speaker:*

Your Committee on Engrossed and Enrolled Bills, report

**H. F. No. 22, "A bill for an act to incorporate the Missouri and western telegraph company,"**

Also,

**H. F. No. 50, "A bill for an act to create the office of precinct assessor,"**

Also,

**H. F. No. 91, "A bill for an act to amend the code of civil procedure,"**

Correctly engrossed.

H. W. PARKER, Chairman.

Mr. Barrett of Dixon, chairman of the Committee on Roads, submitted the following report:

*Mr. Speaker:*

Your committee to whom was referred

H. F. No. 131, "A bill for an act to locate a territorial road from Omaha City, in Douglas county, to Hazleton, in Sarpy county,"

Have had the same under consideration and report the same back to the House without amendment, and recommend its passage.

JAMES BARRETT, Chairman.

Mr. Baker of Nemaha, moved that a special committee be appointed to enquire into the expediency of refunding to the several counties of this Territory, a portion of the territorial taxes for the year 1860, and report by bill or otherwise.

Carried.

The Speaker appointed Messrs. Baker, Downs, Mullen and Cleburne such committee.

Mr. Hacker of Nemaha, presented the petition of Wm. L. Chastain, and Abigail Chastain, praying that the bonds of matrimony may be dissolved between them.

Mr. Hacker of Nemaha, on leave, introduced

H. F. No. 141, "A bill for an act to dissolve the bonds of matrimony between Wm. L. Chastain and Abigail Chastain."

Read the first time.

Mr. Cowles of Otoe, moved that the bill be indefinitely postponed.

Lost.

On motion of Mr. Lockwood of Dakota,

The rules were suspended, the bill by its title read a second time and referred to the Committee on Judiciary.

Mr. Hacker of Nemaha, on leave, introduced

H. F. No. 142, "A bill for an act to dissolve the bonds of matrimony between Wm. L. Chastain and Abigail Chastain, and restore to her her former name, Abigail Hill."

Read the first time.

Mr. Griffin of Douglas, on leave, introduced,

H. F. No. 143, "An act for the relief of Wm. Sexaur."

Read the first time.

On motion of Mr. Griffin of Douglas,

Rules suspended, read a second time by its title and referred to Committee on Accounts and Expenditures.

Mr. Gilmour of Cass, chairman of the Committee on Corporations, submitted the following report:

*Mr. Speaker :*

Your Committee on Corporations have had under consideration H. F. No. 124, "A bill for an act to authorize John A. Burbank to erect a mill dam across the Great Nemaha river,"

And recommend its passage.

WM. GILMOUR,  
FRED. HEDDE,  
H. P. DOWNS,  
S. P. SIBLEY,  
J. I. REDDICK.

Mr. Clark of Douglas, from a special committee, submitted the following report:

*Mr. Speaker :*

Your committee to whom was referred

H. F. No. 138, "An act to incorporate the second Presbyterian church of Omaha,"

Beg leave to report the same back without amendment and recommend its passage.

M. H. CLARK,  
JOEL T. GRIFFIN.

Mr. Davidson of Sarpy, chairman of the Committee on Accounts and Expenditures, submitted the following report:

*Mr. Speaker :*

Your committee on Accounts and Expenditures have had under consideration

H. F. No. 133, "Joint resolution for the payment of the Enrolling and Engrossing Clerks,"

And beg leave to report the same back without amendment and recommend its passage.

JAMES DAVIDSON, Chairman.

H. F. No. 133, "Joint resolution for the payment of the Enrolling and Engrossing Clerks,"

Taken up.

Mr. Mathias of Otoe, moved to amend by adding "upon the certificate of the Speaker of the House and President of the Council."

Carried.

Mr. Clark of Douglas, moved to strike out the words "and their assistants."

Lost.

Mr. Clark of Douglas moved to amend by adding to the resolution: "Provided no further allowance for services shall be made for copying the laws in pursuance of an act creating the office of Public Printer."

Lost.

Read a third time.

The question being upon its passage, the

**Ayes and nays were demanded with the following result:**

**Ayes**—Messrs. Baker, Barnum, Beane, Cavins, Chase, Cleburne, Coleman, Cotterell, Cowles, Davidson, Davis, Fisher, Gates, Gilmour, Griffin, Hacker, Hedde, Hyde, Lowe, Mathias, Mullen, Parker, Porter, Reed, Sibley, Sollenberger and Whaley.—27.

**Nays**—Messrs. Clark, Downs, Millard, Reddick and Tisdell.—5.

Bill passed and title agreed to.

Mr. Davidson of Sarpy, from select committee, submitted the following report:

*Mr. Speaker :*

Your select committee to whom was referred:

H. F. No. 136, "An act to amend an act entitled 'An act to authorize the election of supervisors of roads in Sarpy county,'"

Have had the same under consideration and report it back without amendment and recommend its passage. JAS. DAVIDSON, Chairman.

H. F. No. 136, "A bill for an act to amend an act entitled 'An act to authorize the election of supervisors of roads in and for the county of Sarpy, Nebraska Territory,'" approved January 12, 1860.

Read a third time.

On motion,

Passed and title agreed to.

C. B. No. 64, "A bill for an act providing for the settlement of the estates of decedents, and for other purposes."

Read the first time.

On motion,

Rules suspended, read second time by its title and referred to Committee on Judiciary.

C. B. No. 61, "A bill for an act to restore the right of citizenship to Stephen G. Moran."

Read the first time.

On motion,

Rules suspended, read second time by its title and referred to the Committee on Judiciary.

C. B. No. 66, "An act providing for the disposal of city licenses and fines."

Read the first time.

On motion of Mr. Mathias of Otoe,

Rules suspended, read a second time by its title and referred to Committee on Schools.

C. B. No. 8, "A bill for an act to regulate proceedings against insolvent corporations."

Read the first time.

On motion of Mr. Cleburne of Sarpy,

Rules suspended, read second time by its title and referred to Committee on Judiciary.

Mr. Clark of Douglas, moved that the Committee on Common Schools be instructed to report back to this House on Monday.

C. B. No. 66, "Being an act providing for the disposal of city licenses and fines."

Carried.

H. F. No. 124, "A bill for an act authorizing John A. Burbank to keep a mill dam across the Great Nemaha river."

Read the third time.

On motion,

Passed and title agreed to.

H. F. No. 91, "A bill for an act to amend section 310 of title 11 of the Code of Civil Procedure,"

Taken up.

Mr. Davis of Cass, moved that the bill be recommitted to the Committee on Judiciary with instructions to strike out all of the first section after the enacting clause.

Call of the House ordered.

Absent—Messrs. Fowler and Mead.

Mr. Reddick of Douglas, moved that all further proceedings under the call be dispensed with.

Carried.

Call of the House had.

Absent—Mr. Fowler.

On motion of Mr. Reddick of Douglas, all further proceedings under the call were dispensed with.

The question occurring on the motion to recommit,

The ayes and nays were demanded with the following result:

Ayes—Messrs. Barrett, Cavins, Cleburne, Cowles, Davis, Downs, Gates, Hyde, Lowe, Matthias, Millard, Porter, Reddick, Sibley, Sollenberger and Tisdell.—16.

Nays—Messrs. Baker, Barnum, Beane, Chase, Clark, Coleman, Cotterell, Davidson, Fisher, Gilmour, Grebe, Griffin, Hacker, Hedde, Lockwood, Mead, Mullen, Parker, Reed and Whaley.—20.

The motion to recommit was

Lost.

Mr. Reddick of Douglas, moved that the bill be recommitted to the Committee on Judiciary, with instructions to strike out the word "otherwise" in sec. 11.

Lost.

Bill read a third time.

Mr. Downs of Otoe, moved the previous question.

The question being, "Shall the main question be now put?"

The ayes and nays were demanded with the following result:

Ayes—Messrs. Baker, Barnum, Barrett, Beane, Chase, Clark, Cle-

burne, Cotterell, Gilmour, Grebe, Griffin, Hacker, Hedde, Lockwood, Mead, Mullen, Parker, Reed, and Whaley.—19.

Nays—Messrs. Cavins, Cowles, Davidson, Davis, Downs, Fisher, Gates, Hyde, Lowe, Mathias, Millard, Porter, Reddick, Sibley, Sollenberger and Tisdell.—16.

The bill passed and title agreed to.

On motion of Mr. Gilmour of Cass,

The House took a recess until 2 o'clock, P. M.

*Afternoon Session—2½ o'clock P. M.*

The House met.

H. F. No. 50, "A bill for an act to create the office of Precinct Assessor."

Read the third time,

On motion,

Passed and title agreed to.

Mr. Downs of Otoe, on leave, introduced

H. F. No. 144, "A bill for act to provide for the distribution of the arms belonging to this Territory, and for other purposes."

Read first time.

On motion,

Rules suspended, read second and third time by title.

Passed and title agreed to.

Mr. Parker of Clay, chairman of the Committee on Engrossed and Enrolled Bills, submitted the following report:

Your Committee on Enrolled and Engrossed Bills would respectfully report, that they have this day presented to the Governor for his signature,

H. F. No. 1, "An act to regulate and establish the rate of interest on money and contracts."

H. F. No. 130, "An act to amend an act to locate a territorial road from Fort Calhoun, in Washington county, to Fontenelle, in the same county."

H. F. No. 129, "A act to amend 'An act to incorporate a university to be located in Cass county, Nebraska,'" which took effect Oct. 23d, 1858.

Also,

H. F. No. 51, "An act to amend the charter of Nebraska city."

Also,

H. F. No. 115, "Joint resolution in favor of Fred Renner."

H. W. PARKER, Chairman.

H. F. No. 55, "An act to consolidate the office of register of deeds and county clerk in Sarpy county."

Read the third time.

On motion,

Passed and title agreed to.

H. F. No. 93, "A bill for an act to locate a territorial road from Omaha city, in Douglas county, to Hazleton, in Sarpy county."

Taken up, and

Recommitted to a special committee composed of members of Sarpy county, with instructions to insert the following amendment: "Which shall be paid from the road fund of the respective counties of Douglas and Sarpy, in proportion to the length of the road through each."

Mr. Barrett of Dixon, chairman of the Committee on Roads, submitted the following report:

*Mr. Speaker:*

Your committee to whom was referred

H. F. No. 134, "A bill for an act to amend an act entitled 'An act for opening, repairing and locating county roads,'" approved January 26, 1856.

Have had the same under consideration and beg leave to report the same back to the House with recommendation that it pass.

JAMES BARRETT, Chairman.

H. F. No. 122, "A bill for an act to incorporate the Missouri and Western telegraph company."

Read a third time.

The question being upon its passage.

The ayes and nays were demanded with the following result:

Ayes—Messrs. Baker, Barnum, Barrett, Beane, Chase, Cleburne, Coleman, Cotterell, Cowles, Davidson, Davis, Fisher, Gilmour, Grebe, Griffin, Hacker, Hedde, Hyde, Lockwood, Lowe, Porter, Reddick, Reed, Sibley, Sollenberger, Tisdell and Whaley.—27.

Nays—Messrs. Cavins and Mathias.—2.

Bill passed and title agreed to.

Message from the Executive;

EXECUTIVE CHAMBER,  
Omaha, January 5th, 1861. }

*Mr. Speaker:*

And Gentlemen of the House of Representatives:

I am requested by the Governor to inform your honorable body that he has signed and approved

"An act to locate a territorial road from Nebraska city to Brownville."

JOHN McCONIHIE, Private Secretary.

The following message was received from the Governor by the hands of his Private Secretary :



EXECUTIVE CHAMBER,  
Omaha, Jan. 5th, 1861. }

*Mr. Speaker:*

And Gentlemen of the House of Representatives of the Territory of Nebraska.

I am instructed by the Governor to return to your honorable body  
“A bill for an act to restrain sheep and swine from running at large  
in the counties of Johnson and Clay.”

And to announce his objection thereto.

JOHN MCCONNIE, Private Secretary.

*Gentlemen of the House of Representatives :*

This bill is returned without my approval.

In the eighth section it is provided “that should any of the citizens of Johnson and Clay counties feel aggrieved by the passage of this act, they may induce an election to be held in said counties to determine whether a majority of the legal voters of said counties are not in favor of this act; if at such election a majority of all the votes cast shall be opposed to the provisions of this act, then and in that case it shall be null and void.” By this act you attempt to delegate to a majority of the legal voters of two counties the legislative powers which by law is delegated to you. This you can not do. By the 4th section of the organic law it is enacted, “That the legislative power and authority of said Territory shall be vested in the Governor and Legislative Assembly.”

The power and authority is vested in you to be exercised by you, and it is your duty to exercise it in all cases where legislation is expedient and right. If you have any doubt as to the correctness of my objections, please see the decisions of the highest courts in New York, Pennsylvania and Ohio, to be found in the 4th Selden Reports, 483-6; Pennsylvania State Reports, 515; 1 Ohio Reports, 86.

SAM. W. BLACK, Governor of Nebraska.

The question being, “Shall the bill pass, the Governor’s objections to the contrary notwithstanding?”

Ayes—Mr. Barrett.—1.

Nays—Messrs. Baker, Barnum, Beane, Cavins, Chase, Cleburne, Coleman, Cotterell, Cowles, Davidson, Downs, Gilmour, Grebe, Griffin, Hacker, Hedde, Hyde, Lockwood, Lowe, Matthias, Parker, Reddick, Reed, Sibley, Sollenberger, Tisdell and Whaley.—27.

The bill was

Lost.

H. F. No. 138, “An act to incorporate the Second Presbyterian church of Omaha.”

Read a third time.

On motion,

Passed and title agreed to.

C. B. No. 11, “A bill for an act to authorize the erection of a mill dam across the Great Nemaha river.”

Read a third time.

On motion,

Passed and title agreed to.

H. F. No. 125, "A bill for an act to locate a territorial road from Ponca via Ionia to North Bend."

Taken up.

Mr. Lockwood of Dakota, moved to amend by adding to the bill "Provided the expenses shall be paid by the counties through which it passes, in proportion to the distance."

Carried.

Read a third time.

On motion,

Passed and title agreed to.

Mr. Cleburne of Sarpy, from special committee, to whom was referred:

H. F. No. 131, "A bill for an act to locate a territorial road from Omaha City in Douglas county, to Hazleton in Sarpy county,"

With the amendment ordered by the House incorporated therein.

The bill ordered engrossed for a third reading.

Mr. Lockwood of Dakota, from Committee of Conference, submitted the following report:

*Mr. Speaker:*

The Committee of Conference, to whom was referred the matters of disagreement between the Council and House of Representatives, concerning

H. F. No. 2, "A bill for an act to regulate the fees and salaries of certain officers,"

Have had the same under consideration and beg leave to report that they have agreed upon, instead of section 2, the following section as a substitute, to wit:

That the salary of the Territorial Auditor shall be \$600 per annum.

The salary of the Territorial Treasurer shall be \$300 per annum.

The salary of the Territorial Librarian shall be \$200 per annum.

The salary of the Territorial School Commissioner shall be \$600 per annum.

To be paid quarterly out of the territorial treasury upon the warrant of the Auditor.

In section 30, "instead of the word "convicted," insert the words "condemned and convicted."

J. M. THAYER, Chairman.

SAM. W. ELBERT,

WM. F. LOCKWOOD,

H. P. DOWNS.

Mr. Davis of Cass, chairman of the Committee on County Boundaries and Seats, submitted the following report:

*Mr. Speaker:*

Your Committee on County Boundaries and County Seats to whom was referred

**H. F. No. 86, "A bill for an act to change the southern and western boundaries of Platte county,"**

**Would report the same back with the following amendments:**

**Strike out after the words "to wit" in the fifth line, down to the words "be attached" in the fifteenth line, and recommend its passage as amended.**

**W. R. DAVIS, Chairman.**

**C. B. No. 46, "A bill for an act to incorporate the Loup Fork Bridge Company,"**

**Taken up.**

**Mr. Reddick of Douglas, moved that the House go into Committee of the Whole on the several bills relative to the bridging of the Loup Fork.**

**Lost**

**Mr. Clark of Douglas, moved that the bill be ordered printed.**

**Lost.**

**Mr. Mathias of Otoe, moved that the bill be read a third time and put upon its passage.**

**Not entertained.**

**Mr. Clark of Douglas, moved to amend sec. 1 by striking out the names of the incorporators and inserting the names of John Hugus, O. P. Hurford, John I. Reddick and John H. Green.**

**Upon which the ayes and nays were demanded with the following result:**

**Ayes—Messrs. Clark, Downs, Gates, Gilmour, Grebe, Lowe, Millard and Sibley.—8.**

**Nays—Messrs. Baker, Barnum, Barrett, Beane, Cavins, Chase, Cleburne, Coleman, Cotterell, Cowles, Davidson, Davis, Griffin, Hacker, Hedde, Hyde, Lockwood, Mathias, Mead, Parker, Porter, Reed, Sollenberger, Tisdell and Whaley.—25.**

**Lost.**

**Mr. Clark of Douglas moved to amend by substituting**

**H. F. No. 38, "A bill for an act to incorporate the Loup Fork bridge and ferry company."**

**Lost.**

**Mr. Millard of Douglas, moved to amend by striking out "two-thirds" in last section, and inserting "a majority."**

**Lost.**

**Mr. Clark of Douglas, moved to amend sec. 8, by adding thereto**

**"Provided all expenses incurred in overseeing the building of the bridge by the commissioners, shall be paid by the bridge company."**

**Carried.**

**Mr. Reddick of Douglas, moved that the name of "Robert Kittle" be struck out and the name of "John H. Green" be inserted.**

**Mr. Davidson of Sarpy, moved to postpone the further consideration of the bill until Monday next at 7 o'clock P. M.**

**Lost.**

**The question occurring upon the motion to strike out the name of "Robert Kittle," and insert the name of "John H. Green."**

The motion was lost.

Mr. Reddick of Douglas, moved to strike out the name of "**Robert Kittle**," and insert "western stage company."

Lost.

Mr. Reddick of Douglas, moved to strike out the name of "**L. B. Kinney**" and insert "Western stage company."

Lost.

Read the third time.

Mr. Lockwood of Dakota, moved the previous question.

Call of the House had.

Absent—Messrs. Cavins, Chase, Clark, Fowler, Gates, Grebe and Mullen.

On motion,

All further proceedings under the call were dispensed with.

The question being "Shall the main question be now put?"

The ayes and nays were demanded with the following result:

Ayes—Messrs. Baker, Barnum, Cleburne, Coleman, Cotterell, Cowles, Davidson, Davis, Fisher, Griffin, Hacker, Hedde, Lockwood, Mathias, Mead, Parker, Porter, Reed, Sollenberger and Tisdell.—21.

Nays.—Messrs. Barrett, Beane, Downs, Gilmour, Hyde, Lowe, Mil-lard, Reddick and Sibley.—9.

Passed and title agreed to.

H. F. No. 103, "A bill for an act to legalize the acts of the county commissioners of Dixon county."

Read a third time.

On motion,

Passed and title agreed to.

H. F. No. 67, "A bill for an act further supplemental to 'An act for locating, opening and repairing county roads,'" approved January 26, 1856.

Taken up.

Mr. Lowe of Douglas, moved to lay the bill on the table.

Carried.

H. F. No. 97, "A bill for an act to regulate the disposal of the road fund and define the duties of the supervisors."

Taken up.

Mr. Lockwood of Dakota moved to amend by adding to sec. 5: "Provided that no person over the age of 45 years shall be required to work out or pay poll tax upon the roads or highways."

Carried.

Mr. Cleburne of Sarpy, moved to amend by adding to sec. 12: "No contracts exceeding in amount of two-thirds of the fund applicable to the purpose of such contract at the time shall be sanctioned by the county commissioners."

Carried.

**On** motion of Mr. Cleburne of Sarpy, the bill was ordered engrossed for a third reading.

**H. F. No. 20,** "A bill for an act to authorize Felix Kitch, A. J. Forney and Joshua Murray to keep a ferry across the Missouri river at Rulo."

**Taken up.**

Mr. Sollenberger of Otoe, moved to lay the bill on the table.

Upon which the ayes and nays were demanded with the following result:

**Ayes**—Messrs. Cowles, Davidson, Davis, Fisher, Gilmour, Griffin, Hedde, Parker, Sollenberger and Whaley.—10.

**Nays**—Messrs. Baker, Barnum, Cavins, Clark, Cleburne, Coleman, Cotterell, Downs, Grebe, Hacker, Hyde, Lockwood, Lowe, Mathias, Millard, Porter, Reed, Sibley and Tisdell.—19.

**Lost.**

**Bill read third time.**

**Passed and title agreed to.**

**H. F. No. 65,** "A bill for an act to legalize the acts of the Rulo Town and Ferry Company."

**Taken up.**

Mr. Gilmour of Cass, moved to lay the bill on the table.

**Carried.**

**H. F. No. 84,** "A bill for an act to legalize certain elections of county officers in Hall county,"

**Taken up.**

Mr. Downs of Otoe, moved to lay the bill on the table.

**Lost.**

**Bill read third time.**

**On motion,**

**Passed and title agreed to.**

**H. F. No. 128,** "A bill for an act to locate a territorial road from Aspinwall in Nemaha county, to Beatrice in Gage county,"

**Taken up.**

Mr. Davis of Cass, moved that the report of the committee recommending that the bill do not pass, be adopted.

**Carried.**

**H. F. No. 102,** "A bill for an act to incorporate the St. John's Distillery company."

**Taken up,**

Mr. Davis of Cass, moved that the report of the committee recommending that the bill do pass, be adopted.

Upon which the ayes and nays were demanded, with the following result:

**Ayes**—Messrs. Beane, Cavins, Cotterell, Cowles, Davis, Fisher, Gilmour, Hacker, Hedde, Hyde, Lowe, Millard, Reed, Sibley, Sollenberger and Tisdell.—16.

**Nays**—Messrs. Baker, Barnum, Barrett, Clark, Cleburne, Coleman,

Downs, Grebe, Griffin, Lockwood, Mead, Mullen, Porter and Whaley.—  
14.

The report of the committee was adopted.

H. F. No. 86, "A bill for an act changing the southern and western boundary of Platte county,"

Taken up, and

Ordered engrossed for a third reading.

H. F. No. 114, "An act to locate and establish a territorial road from Nebraska city to Table Rock,"

Taken up.

Mr. Beane of Nemaha, moved

H. F. No. 114 (substitute), "A bill for an act to locate and establish a territorial road from Table Rock to Nebraska city,"

Be substituted for the above bill.

Carried.

Substitute read the first time.

On motion,

Rules suspended.

Read second and third time.

Passed and title agreed to,

H. F. No. 75, "Memorial and joint resolution relative to certain land claimed by the War Department as the 'Fort Kearney reservation.'"

Read third time.

On motion,

Passed and title agreed to.

H. F. No. 12, "A bill for an act to locate and establish a territorial road from Fontenelle in Washington county to the northern boundary of said county."

Read third time.

On motion,

Passed and title agreed to.

Mr. Clark of Douglas offered the following resolution:

Be it resolved by the House of Representatives of the Legislative Assembly of the Territory of Nebraska, That no bill, act or joint resolution, or any new subject matter whatever, shall be introduced or entertained by this House after Monday the 7th day of January, A. D. 1861.

Laid over under the rule.

On motion of Mr. Clark of Douglas,

The House adjourned.

GEO. L. SEYBOLT, Chief Clerk.

HOUSE OF REPRESENTATIVES,  
Monday, January 7th, 1861. }

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Journal read and approved.

Mr. Downs of Otoe, presented the petition of J. McMecham and 105 others praying for the repeal of the charter of Nebraska city.

On motion,

Referred to the Otoe county delegation.

Mr. Gilmour of Cass, presented the remonstrance of J. W. Moore and 70 others against the repeal of the charter of Nebraska city.

Referred to the Otoe county delegation.

The Committee on Engrossed and Enrolled Bills report that

H. F. No. 86, "A bill for an act changing the southern and western boundary of Platte county,"

And,

H. F. No. 97, "A bill for an act to regulate the disposal of the road fund and to further define the duties of supervisors,"

Are correctly engrossed.

H. W. PARKER, Chairman.

Mr. Parker of Clay, introduced, on leave,

H. F. No. 146, "A bill for an act to restrain sheep and swine from running at large in the counties of Clay and Johnson,"

Read first time.

On motion,

Rules suspended, and bill read second and third time by title.

Passed and title agreed to.

Mr. Davis of Cass, introduced

H. F. No. 147, "A bill for an act supplementary to and amendatory of an act entitled 'An act to regulate the distribution of the laws and journals of the Nebraska Territory, and for other purposes.'"

Read first time.

On motion,

Rules suspended, bill read second and third time by title.

Passed and title agreed to.

Mr. Gilmour of Cass, introduced

H. F. No. 148, "A bill for an act to authorize James Spratlan and Abraham Roberts to keep a ferry across the Missouri river at Rock Bluffs."

Read first time,

On motion,

Rules suspended, bill read second and third time by title.

Passed and title agreed to.

Mr. Mead of Washington, introduced

H. F. No. 149, "A bill for an act authorizing E. Hicks, C. Clark and

Monday, January 7th, 1861.

A. P. Andrews to keep a ferry across the Missouri river at Fort Calhoun."

Read first time.

On motion,

Rules suspended, and bill read second and third times by title.

Passed and title agreed to.

The Committee on Agriculture to which was referred the petitions of the citizens of Richardson county, upon the subject of restraining sheep and hogs from running at large in said county,

Have had the same under consideration and report the same back to the House by bill.

JOEL T. GRIFFIN, Chairman.

H. F. No. 150, "A bill for an act to restrain sheep and swine from running at large in Richardson county."

Read first time.

On motion,

Rules suspended, and bill read a second and third time by title.

Passed and title agreed to.

Mr. Mullen of Cass, introduced

H. F. No. 151, "An act to incorporate the Plattsmouth, Oreapolis and Denver city express freighting company."

Read first time.

On motion,

Rules suspended, and bill read second and third time by title.

Passed and title agreed to.

Mr. Millard of Douglas, gave notice

Of a bill to legalize the assessment made in Douglas county for 1860.

Also,

Of a memorial asking Congress for an appropriation to build a bridge across Platte river at, or near Fort Kearney.

The Committee on Internal Improvements have had under consideration

H. F. No. 127, "An act to locate a penitentiary at Wyoming in Otoe county,"

And report it back without amendment, and recommend that it do not pass.

JAMES DAVIDSON,  
EZRA MILLARD,  
J. R. HYDE.

The minority of the Committee on Internal Improvements to which was referred

H. F. No. 127, "An act to locate a penitentiary at Wyoming in Otoe county,"

Have had the same under consideration and respectfully offer a substitute for the same, and recommend its passage.

WM. H. REED,  
JNO. P. BAKER.

The Committee on Judiciary, to which was referred



**C. B. No. 4, "A bill for an act to dissolve the bonds of matrimony between W. H. Lyman and Juliette Lyman,"**

**Beg leave to report the bill back, and recommend its passage.**

WM. F. LOCKWOOD,  
CHAS. H. WHALEY,  
JNO. R. HYDE.

**Mr. Fisher of Nemaha, introduced**

**H. F. No. 152, "A bill for an act to provide for the publication of the general laws in one newspaper at the capital."**

**Read first time.**

**On motion,**

**Rules suspended, and bill read second time by its title and referred to the Committee on Printing.**

**Message from the Council.**

COUNCIL CHAMBER,  
January 5th, 1861. }

**Mr. Speaker :**

I am instructed to inform your honorable body that the Council have passed

**C. B. No. 37, "Joint resolution and memorial relative to school lands in lieu of Half-breed lands."**

**C. B. No. 43, "A bill for an act to fix the times of holding the district court in the 1st judicial district."**

**C. B. No. 55, "Joint resolution for the relief of Wm. C. Fleming."**

**C. B. No. 62, "A bill for an act requiring defendants to pay the fees of filing and entering transcript of judgments of justices of the peace."**

**C. B. No. 63, "A bill for an act authorizing the holding of special terms of the district court in certain cases."**

**C. B. No. 69, "Joint resolution to pay Joseph W. Unthank for his services as Page of the Council."**

**C. B. No. 73, "A bill for an act to vacate a territorial road in Cass county."**

**C. B. No. 74, "A bill for an act to amend an act entitled 'An act to license and regulate the sale of malt, spiritous and vinous liquors in the Territory of Nebraska,' approved Nov. 4th, 1858.**

**And your concurrence therein is respectfully requested.**

**I am also directed to return to your honorable body**

**H. F. No. 22, "A bill for an act for the location of the county seat of Cass county, by a vote of the people."**

**H. F. No. 49, "A bill for an act to confirm the title of Thomas Martin and J. H. Coriell, to certain real estate in the city of Omaha."**

**H. F. No. 83, "An act to authorize Eliza K. Mitchell and Alexander Hunter to keep a mill dam across Mill creek at Florence, Douglas county, Nebraska."**

**H. F. No. 95, "A bill for an act to equalize territorial taxes heretofore assessed."**

**H. F. No. 107, "A bill for an act to locate a territorial road from Nebraska City to New Fort Kearney."**

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H. F. No. 110, "A bill for an act to locate and establish a territorial road from Weeping Water falls, across to Salt creek crossing in Lancaster county."

H. F. No. 116, "An act to locate a territorial road from Elkhorn to Fontenelle."

H. F. No. 119, "A bill for an act to vacate a part of Front street in the town of Beatrice, in Gage county, N. T."

H. F. No. 120, "Memorial and joint resolution relative to a mail route."

H. F. No. 137, "A bill for an act to authorise the county commissioners of Otoe county to pay off the indebtedness of the Otoe county agricultural society."

And,

H. F. No. 139, "A bill to amend an act entitled an act to amend an act entitled 'An act to incorporate the town of Pawnee City,' approved November 4th, 1858.

The same having passed the Council without amendment.

I also return you herewith

H. F. No. 79, "Memorial relative to a tri-weekly mail service between Columbus and Fort Kearney."

The same having passed the Council with certain amendments thereto attached.

I am also requested to inform your honorable body that the Council have adopted the report of the Committee of Conference on

H. F. No. 2, "An act regulating the fees and salaries of certain officers."

E. P. BREWSTER, Chief Clerk.

C. B. No. 4, "A bill for an act to dissolve the bonds of matrimony between William H. Lyman and Juliette Lyman."

Read third time.

On motion

Passed and title agreed to.

The Committee on Privileges and Elections, to which was referred C. B. No. 7, have directed me to report the bill back to the House without recommendation.

JNO. P. BAKER.

C. B. No. 43, "A bill for an act to fix the time of holding the district court in the first judicial district."

Read first time.

On motion,

Rules suspended, and bill read second and third time by title.

Passed and title agreed to.

C. B. No. 35, "Joint resolution for the relief of William C. Fleming."

Read first time.

On motion,

Rules suspended and resolution read second time by title.

Mr. Downs of Otoe, moved to amend by inserting the name of "E. J. Davenport."

Carried.

Resolution read third time.

Ayes and nays demanded upon the passage of the resolution.

Ayes—Messrs. Cotterell, Cowles, Fisher, Fowler, Gilmour, Griffin, Hacker, Hedde, Lowe, Porter and Reed.—11.

Nays—Messrs. Baker, Beane, Cavins, Clark, Cleburne, Coleman, Davidson, Davis, Downs, Gates, Grebe, Hyde, Lockwood, Mathias, Millard, Mullen, Parker, Sollenberger, Tisdell and Whaley.—20.

Lost.

Mr. Downs moved to reconsider the vote by which the resolution was lost.

Carried.

Call of the House demanded.

Absent—Messrs. Barrett, Chase and Reddick.

On motion of Mr. Hyde of Burt,  
The Sergeant-at-Arms was despatched after absentees.

On motion of Mr. Davis of Cass,  
All further proceedings under the call dispensed with.  
The question recurring upon the resolution,  
The ayes and nays were demanded.

Ayes—Messrs. Cowles, Davis, Fisher, Gilmour, Hedde, Porter, Reed and Sibley.—8.

Nays—Messrs. Baker, Barnum, Beane, Cavins, Clark, Cleburne, Coleman, Cotterell, Davidson, Downs, Fowler, Gates, Grebe, Griffin, Hacker, Hedde, Lockwood, Lowe, Mathias, Millard, Mullen, Parker, Sollenberger, Tisdell and Whaley.—25.

Lost.

Mr. Cavins of Otoe, moved to reconsider the vote on the passage of C. B. No. 4, "A bill for an act to dissolve the bonds of matrimony between W. H. Lyman and Juliette Lyman."

Mr. Sollenberger of Otoe, appealed from the decision of the Speaker that the vote had been announced before the ayes and nays were demanded.

Question now was

"Shall the decision of the Speaker stand as the sense of the House?"  
Upon which the ayes and nays were demanded.

Ayes—Messrs. Baker, Barnum, Cavins, Clark, Cleburne, Coleman, Cotterell, Cowles, Davidson, Davis, Downs, Fisher, Fowler, Gates, Grebe, Griffin, Hacker, Hedde, Hyde, Lockwood, Lowe, Millard, Porter, Reed, Tisdell and Whaley.—27.

Nays—Messrs. Beane, Gilmour, Parker, Sollenberger and Sibley.—5.

Decision sustained.

Monday, January 7th, 1861.

The Committee on Engrossed and Enrolled Bills report that H. F. No. 131, "A bill for an act to locate a territorial road from Omaha City to or near Hazleton, in Sarpy county."

As correctly engrossed.

H. W. PARKER, Chairman.

The Committee on Judiciary to which was referred

H. F. No. 141, "A bill to repeal sec. 7 of an act entitled 'An act to exempt the homestead and certain articles of personal property from forced sale on execution,'" approved Jan. 13, 1860,

Have had the same under consideration and report it back with a recommendation that it do not pass. Wm. F. LOCKWOOD, Chairman.

On motion,

- Report adopted.

The Committee on Public Printing to which was referred

H. F. No. 152, "A bill for an act to provide for the publication of the laws in one newspaper printed at the capital,"

Have had the same under consideration and respectfully report it back without amendment, and recommend its passage.

ALFRED MATHIAS,

THOMAS R. FISHER,

H. W. PARKER.

The minority of the Committee on Public Printing, to which was referred

H. F. No. 152, "A bill for an act to provide for the publication of the laws in one newspaper printed at the capital,"

Have had the same under consideration, and report the following amendment:

"That all the general laws enacted by the seventh Legislative Assembly shall be published in the Nebraska Republican and Omaha Nebraskian, two newspapers published at the capital, in thirty days after the adjournment of said legislature, and recommend its passage as amended.

SAMUEL A. LOWE,

H. B. PORTER.

Mr. Clark of Douglas, moved that the minority report be adopted.

Lost.

H. F. No. 152, "A bill for an act to provide for the publication of the general laws in one newspaper printed at the capital,"

Taken up.

Mr. Downs of Otoe, moved to amend sec. 5, by striking out "1" and inserting "25" copies.

Mr. Davidson of Sarpy, moved to amend the amendment by striking out "1" and inserting "25 for each member of legislative assembly."

Carried.

Mr. Reed of Cass, introduced

H. F. No. 153, "A bill for an act to provide for the more speedy administration of justice in certain cases,"

Read first time.

Mr. Downs of Otee, moved to suspend the rules and read the bill second time by title, and refer to Committee on Judiciary.

Mr. Davis of Cass, moved to read the bill second and third times, and put it upon its passage.

Mr. Lockwood of Dakota, moved to lay the bill upon the table.

Carried.

Mr. Cleburne of Sarpy, offered the following:

Resolved, That the further printing of bills or other incidental matter, except by a special resolution of the House, be dispensed with.

On motion of Mr. Davis of Cass,  
Rules suspended and resolution adopted.

The Committee on Judiciary, to whom was referred

C. B. No. 8, "A bill for an act to regulate proceedings against insolvent corporations;"

And,

C. B. No. 61, "A bill for an act to restore the rights of citizenship to Stephen G. Moran,"

Have had the same under consideration, and recommend that they pass.

Also,

C. B. No. 60, "A bill for an act to authorize execution to issue from the supreme court for certain purposes,"

Have had the same under consideration, and report the same back, with a recommendation that it do not pass.

WM. F. LOCKWOOD, Chairman.

C. B. No. 62, "A bill for an act requiring defendants to pay the fees of filing and entering transcripts of judgments of justices of the peace."

Read first time.

On motion,

Rules suspended and bill read second time by title and referred to Committee on Judiciary.

C. B. No. 63, "A bill for an act authorizing the holding of special terms of the district court in certain cases."

Read first time.

On motion,

Rules suspended and bill read second and third times by title.

Passed and title agreed to.

C. B. No. 37, "Joint resolution and memorial relative to school lands in lieu of half breed lands."

Read first time.

On motion,

Rules suspended and bill read second and third times by title.

Passed and title agreed to.

Mr. Mead of Washington, introduced

H. F. No. 154, "A bill for an act to restrain sheep, cattle, horses and swine from running at large in Richland, Fontenelle precinct, Washington county."

Read first time.

On motion,

Rules suspended and bill read second and third times by title.

Passed and title agreed to.

C. B. No. 69, "Joint resolution to pay Joseph I. Unthank for his services as page of the Council."

Read first time.

On motion,

Rules suspended, bill read second by title and referred to Committee on Accounts and Expenditures.

Mr. Grebe of Douglas, introduced

H. F. No. 155, "A bill for an act to confirm the title of Henry Brown to certain real estate in the city of Omaha, Nebraska."

Read first time.

On motion,

Rules suspended and bill read second time by title and referred to Committee on Judiciary.

Mr. Davidson of Sarpy, introduced

H. F. No. 156, "A bill for an act to amend the criminal code."

Read first time.

On motion,

Rules suspended and bill read second and third times.

Passed and title agreed to.

C. B. No. 73, "An act to vacate a territorial road in Cass county."

Read first time.

On motion,

Rules suspended, and bill read second and third times by title.

Passed and title agreed to.

C. B. No. 74, "A bill for an act to amend an act, entitled 'An act to license and regulate the sale of malt, spiritous and vinous liquors in the Territory of Nebraska,' approved Nov. 1858.

Read first time.

On motion,

Rules suspended and bill read second time by title.

Mr. Lockwood of Dakota, moved to amend the bill by striking out sec. 1 and inserting the following sections as a substitute:

SEC. 1. Be it enacted by the Council and House of Representatives of the Territory of Nebraska, That the applicant for a license shall pay into the county treasury for the use of the school fund, the sum of not less than fifteen dollars nor more than two hundred dollars, at the discretion of the county commissioners, and file the treasurer's receipt therefor, with the county clerk, before such license shall be issued.

§ 2. All persons who shall vend or retail, or for the purpose of avoiding the provisions of this act, of which this act is an amendment, give away upon any pretext, malt, spiritous or vinous liquors, or any intoxicating drink, without having first complied with the conditions and obtained license as set forth in said act, shall for each offence, be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty-five nor more than two hundred dollars, or be im-

prisoned net exceeding one month in the county jail or be both fined and imprisoned, and shall be liable in all respects to the public and to individuals the same as he would have been had he given bonds and obtained license as herein provided.

Mr. Mathias of Otoe, moved to amend, by striking out "200" and inserting "500."

Lost.

Question recurring upon Mr. Lockwood's amendment,

It was carried.

On motion,

Bill read third time.

Passed and title agreed to.

Mr. Downs of Otoe, introduced

H. F. No. 157, "Joint resolution to provide for the election of certain officers."

Read first time.

On motion,

Rules suspended and resolution read second time.

Mr. Mathias of Otoe, moved to amend, by striking out 10 o'clock, A. M., and inserting 6½ o'clock, P. M.

Carried.

On motion,

Bill read a third time.

Passed and title agreed to.

The Committee on Judiciary to which was referred

H. F. No. 140, "A bill to restrain sheep and swine from running at large in the limits of Pawnee county,"

Have had the same under consideration, and report the same back to the House and recommend its passage.

W. F. LOCKWOOD, Chairman.

On motion,

Report adopted.

And bill read a third time.

Passed and title agreed to.

On motion of Mr. Cleburne of Sarpy,

The House took a recess until 2 o'clock P. M.

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*Afternoon Session—2 o'clock P. M.*

House met.

C. B. No. 12, "An act to vacate the town site of Archer, in Richardson county."

Read second and third times.

Passed and title agreed to.

H. F. No. 131, "A bill for an act to locate a territorial road from Omaha city to or near Hazleton in Sarpy county."

Read third time.

On motion,

Passed and title agreed to.

Mr. Baker of Nemaha, introduced

H. F. No. 158, "A bill for an act to incorporate the Chicago, Platts-mouth and Pike's Peak express company."

Read the first time.

On motion,

The rules suspended, and bill read a second and third time.

Passed and title agreed to.

H. F. No. 134, "A bill for act to amend an act, entitled 'An act for opening, repairing and locating county roads,' approved Jan. 26th, 1856."

Was taken up.

Mr. Cleburne of Sarpy, moved to amend by adding the following as new sections to said bill:

"Sec. 6. That the commissioners of the several counties shall have power to alter the road districts as may seem to them proper: Provided, however, that in no case shall any road district be so constituted as to be within the limits of two distinct voting precincts."

Sec. 7, "All supervisors already elected, or who shall be hereafter elected, shall continue in office, until their successors shall be elected or qualified."

Carried.

Mr. Baker of Nemaha, moved to amend by adding the following as a new section to said bill:

"It is hereby made the duty of the several supervisors to receipt to persons having performed work upon the roads, whenever such person shall demand receipt for work done: Provided, that he shall receipt for no work until the same is actually done."

Carried.

On motion,

Bill ordered engrossed for a third reading.

The Committee on Engrossed and Enrolled Bills report that the following bills are correctly enrolled, and have this day been presented to the Governor for his approval, to wit:

H. F. No. 108, "An act to locate and establish a territorial road from Rockport to Elkhorn."

H. F. No. 35, "An act to incorporate the Pioneer Hook and Ladder Company No. 1, at Omaha,"

H. F. No. 15, "An act concerning occupying claimants."

H. F. No. 79, "Memorial relative to a tri-weekly mail service between Columbus and Fort Kearney."

H. F. No. 95, "An act to equalize territorial taxes,"

H. F. No. 83, "An act to authorize Eliza K. Mitchell and Alexander Hunter to keep a mill dam across Mill creek at Florence, in Douglas county."

And,

H. F. No. 133, "Joint resolution for the payment of Engrossing and Enrolling Clerks."

H. W. PARKER, Chairman.



Message from the Executive:

EXECUTIVE CHAMBER,  
Omaha, Jan. 7th, 1861. }

*Mr. Speaker :*

And Gentlemen of the House of Representatives of the Territory of Nebraska:

I am instructed to inform your honorable body that the Governor has signed and approved the following bills:

"Joint resolution in favor of Frederick Renner."

"An act to amend an act entitled 'An act to locate a territorial road from Fort Calhoun, in Washington county, to Fontenelle in the same county.'"

"An act to amend an act entitled 'An act to consolidate the corporations of Nebraska city, South Nebraska city and Kearney city,' approved Dec. 31st, 1857."

"An act to locate and establish a territorial road from Rockport, Washington county, to Elkhorn in Douglas county."

"An act to incorporate the Pioneer Hook and Ladder Company No. 1 of Omaha."

JOHN MCCONIHIE,  
Private Secretary.

Message from the Council:

COUNCIL CHAMBER,  
January 7th, 1861. }

*Mr. Speaker :*

I am directed to inform your honorable body that the Council have passed the following bills:

C. B. No. 80, "A bill for an act to repeal a certain law," approved January 13th, 1860.

C. B. No. 81, "A bill for an act to repeal the seventh section of an act entitled 'An act to exempt a homestead and certain articles of personal property from forced sale on execution.'"

C. B. No. 82, "A bill for an act to repeal an act entitled 'An act to authorize the city council of Nebraska City to reduce the width of Kansas street and to vacate certain alleys.'"

C. B. No. 83, "A bill for an act to incorporate Plattsmouth Lodge No. 6, Ancient, Free and Accepted Masons."

And your concurrence therein is respectfully requested.

I am also directed to return to your honorable body

H. F. No. 103, "An act to legalize the acts of the county commissioners of Dixon county."

H. F. No. 114, "An act to locate a territorial road from Table Rock to Nebraska City."

H. F. No. 133, "Joint resolution for the payment of engrossing and enrolling clerks."

H. F. No. 144, "A bill for an act to provide for the distribution of the arms belonging to this Territory, and for other purposes,"

The same having passed the Council without amendment.

I also return you

Monday, January 7th, 1861.

H. F. No. 3, "An act to prohibit slavery."

The same having passed the Council by a two-third vote, and becomes a law, the Governor's veto to the contrary notwithstanding.

E. P. BREWSTER, Chief Clerk.

Mr. Parker of Clay, moved to take up

H. F. No. 160, "A bill for an act to apportion the members of the House of Representatives of the Territory of Nebraska."

Lost.

The Committee on Common Schools to which was referred

C. B. No. 66, "An act to provide for the disposal of city licenses and fines."

Have had the same under consideration, and report it back with the recommendation that it do not pass.

LOUDEN MULLEN, Chairman.

On motion of Mr. Davidson of Sarpy.

The House went into Committee of the Whole, having under consideration

C. B. No. 27, "A bill for an act respecting elections."

Carried.

Mr. Lowe of Douglas, in the chair.

After remaining sometime therein the committee arose and through the chairman, reported the bill back with the recommendation that it do not pass.

Report adopted.

Message from the Council:

COUNCIL CHAMBER,  
Jan. 7th, 1861. }

*Mr. Speaker :*

I am directed to inform your honorable body that the Council have passed:

C. B. No. 84, "A bill for an act to amend the charter of the city of Omaha,"

C. B. No. 85, "An act to provide for the publication of the decisions of the Supreme Court."

I am also instructed to return to your body:

H. F. No. 39, "A bill for an act to define the powers and duties of county commissioners and county clerks,"

The same having passed the Council with the amendments thereto attached. In all of which your concurrence is earnestly solicited.

E. P. BREWSTER, Chief Clerk.

H. F. No. 39, "A bill for an act to define the powers and duties of county commissioners and county clerks,"

Was taken up.

On motion of Mr. Mathias of Otoe,

The House concurred in the amendments of the Council to said bill.

C. B. No. 61, "An act to restore the rights of citizenship to Stephen G. Moran,"

Read a third time.

On motion,

Passed and title agreed to.

C. B. No. 5, "An act to authorize Randall A. Brown and John A. Unthank to establish a bridge and ferry across the north fork of the Platte river,"

Was taken up.

Mr. Lockwood of Dakota moved to strike out of the last section all after the word "void."

Upon which the ayes and nays were demanded:

Ayes—Messrs. Baker, Barnum, Beane, Coleman, Cotterell, Cowles, Davidson, Fisher, Fowler, Hedde, Lockwood, Mullen, Reed, Tisdell and Whaley.—15.

Nays—Messrs. Cavins, Clark, Cleburne, Davis, Gates, Gilmour, Grebe, Griffin, Hacker, Hyde, Lowe, Sibley and Sollenberger.—13.

Carried.

Mr. Lockwood of Dakota, moved that the following be added to the last section of the bill: "That an act entitled 'An act to authorize Alexander Stephens and others to establish a ferry across the north fork of the Platte river,' approved January 13th, 1860, be and the same are hereby repealed."

Call of the House demanded.

Absent—Messrs. Barrett, Chase, Mead, Parker and Reddick.

On motion,

All further proceedings under the call dispensed with.

The ayes and nays demanded on Mr. Lockwood's amendment.

Ayes—Messrs. Baker, Barnum, Beane, Cavins, Coleman, Cotterell, Cowles, Fisher, Fowler, Hedde, Lockwood, Mathias, Mullen, Reed and Whaley.—15.

Nays—Messrs. Clark, Cleburne, Davidson, Davis, Downs, Gates, Gilmour, Grebe, Griffin, Hacker, Hyde, Lowe, Millard, Porter, Sibley, Sollenberger and Tisdell.—17.

Lost.

On motion,

Bill read third time.

Passed and title agreed to.

Message from the Governor.

EXECUTIVE CHAMBER,  
Omaha, January 7th, 1861. }

*Mr. Speaker:*

And Gentlemen of the House of Representatives of the Territory of Nebraska:

I am instructed by the Governor to return to your honorable body

Monday, January 7th, 1861.

"An act to amend an act to incorporate a seminary to be located in Cass county, Nebraska Territory,"

Which took effect Oct. 23, 1858, unsigned, and to announce the following message embodying his objections thereto.

JOHN MCCONNIE, Private Secretary.

Gentlemen:

The first section of this bill provides, "*that the action of the board of trustees appointed by an act to incorporate a seminary to be located in Cass county, Nebraska Territory,*" which took effect Oct. 23d, 1858, in pursuance of the provisions of said act, and the organization of said board be, and they are hereby ratified and confirmed.

This section is subject to serious objections, what "the action of the board of trustees" may be, which "is hereby ratified and confirmed," is carefully kept out of the bill.

Do you know what you have ratified and confirmed? If you do, I do not; and if the bill were to become a law, would the public ever know what it is which the legislative assembly have, in this brief and summary way, confirmed in the dark?

If the action of the board is according to the charter, it needs no confirmation. If something has been done not authorized by the act of incorporation, the Legislature should be slow to ratify and confirm it, but whatever is done should appear in the law of confirmation.

If these objections should suggest an examination of the original incorporating act, you will perhaps agree with me, that the Legislature has been quite as liberal to this corporation as is consistent with the public interest.

SAMUEL W. BLACK,  
Governor of Nebraska.

Mr. Mullen of Cass, moved that the bill returned by his Excellency be made a special order for to-morrow at 11 o'clock.

Carried.

H. F. No. 97, "A bill for an act to regulate the disposal of the road fund, and to define the duties of supervisors,"

Was taken up,

Mr. Cleburne of Sarpy, moved that the bill be recommitted with instructions to add the following sections to said bill:

SEC. 6. The supervisors shall give written notice to all persons from whom road tax is due in the manner now by law provided, that he on a certain day or days therein named, at a certain time and place distinctly specified, will attend to oversee labor on the roads, and all persons within said district shall then and there attend, so far as by law required: Provided, however, that no person over the age of forty-five shall be required to work out or pay any poll tax upon the roads or highways.

The period of road work permitted to be executed under the superintendence of any supervisor in any United States township in this territory shall not exceed six days: Provided, however, that the county commissioners of any county, for any good and sufficient cause, by written order under their hand and seal, may increase the same to any number

of days not exceeding nine (9); and, Provided, further, that the supervisor may in case of any hindrance, substitute one day for another, but in no case shall the whole amount in any one township exceed the amount above authorized.

Any supervisor who shall oversee work or receipt for work in violation of the foregoing provision shall forfeit all pay to which would be entitled for services.

Lost.

Read a third time.

Passed and title agreed to.

H. F. No. 142, "An act to dissolve the bonds of matrimony between Wm. L. Chastian and Abigail Chastian, and to restore to her her former name, 'Abigail Hill.'"

Read second time.

On motion,

Referred to Committee on Judiciary.

On motion.

Mr. Barrett was excused for the remainder of the session.

Mr. Clark, Chairman of the Committee on Mines and Minerals, made the following report:

*Mr. Speaker :*

In compliance with a resolution of the House, instructing the Committee on Mines and Minerals to report all matters and facts in any wise pertaining to the subject matter referred to them, they would most respectfully submit the following report:

They would remark at the outset, that a report on this subject will necessarily include much which, at first glance, may seem foreign and irrelevant, and, that in view of the great importance of the subject, and the interest attaching to it, and the great influence it will ultimately have upon the destinies of Nebraska, your Committee can justly be pardoned for taking an extended view of the subject and occupying a wide range in its discussion: inasmuch, as it is the *effects* upon the interests of this community, flowing from the Mines of the Rocky mountains—which is by far the most important branch of the subject committed to us—that the people of Nebraska are most interested, as that portion of our Territory will soon be cut off and formed into a separate government. We also regard this report as made more with a view of showing to the world the great Mineral wealth of our Territory, than with reference to giving this House any information upon the subject, as we do not deem that, in the short time we have been able to devote to this investigation, it will be presumed your Committee could have become possessed of any facts which do not fall within the personal knowledge of some of the members of this House.

In order to measure or comprehend the grand results likely to flow from the discovery of the Gold Fields of the Rocky mountains, it will be necessary to revert to an early period of our history, and glance hastily at our condition then, the advantages and disadvantages we have since

encountered, and the triumphs and defeats which have marked our progress.

The Territory of Nebraska was organized at a time when the people of the United States were enjoying an unusual degree of financial and commercial prosperity; money was plenty and easily obtained; credit was expanded; all the elements of wealth and success appeared to exist in abundance; the future looked bright, and promised all the glowing present might warrant us to expect. And the throwing open of the portals of Nebraska presented a new and wide extended field, wherein the speculator and adventurer might expect to realize their fondest hopes and brightest dreams, and unawares, the people of Nebraska were launched forth upon the wild sea of speculation; towns were built upon our broad prairies; and upon our beautiful streams, models of architectural beauty and excellence sprung as if by magic from the soil; and cities, which in other countries would have been the product of the energy and enterprise of years, were built up almost in a day; while beyond these—outside the towns and embryo cities which studded the prairie upon every side—the soil of Nebraska remained in all its primeval wildness; the tall grass waved, as it ever had waved, and the home of the wolf remained undisturbed in the great highway of civilization. If money was *plenty* in other localities it was in *abundance* here—if it was *easily obtained* elsewhere, in Nebraska it fell in a *golden shower* without any effort being made to secure it. A large portion of the surplus capital of the East was in use here; and without either capital of our own—farms or manufactories—the people of many a town within our borders were confidently looking forward to the time when it should rival a St. Louis or a Chicago, become the great commercial emporium of a great country—the rail road heart of a great State, from whence the life-blood of business and commerce should rush along its iron arteries.

As any one of ordinary intelligence might have predicted, such a state of things could not last—prosperity built upon such a basis could not be real, could not be permanent. A few years passed like a dream, and the evil day came at last, as come it must—and we were not long suffered to remain in ignorance of the helpless and deplorable condition in which we were placed. We had no real capital of our own, and had become accustomed to lean with too much reliance and confidence, upon the wealth of the Eastern States, and when that was gone, we not only found ourselves without *money*, but also without *credit*. Our Territorial banks, or most of them, quailed before the storm and yielded beneath the heavy pressure, and rendered us, if possible, still poorer. As before the storm, we were unusually prosperous: so, while it raged and after it passed away, we were unusually poor. We had been slumbering upon the brink of a volcano, and it had suddenly burst forth in all its fury, and overwhelmed us with a thousand terrors and evils. We had expended our means, recklessly plunged into debt, employed all our energies in building cities and towns, and had done nothing towards developing the resources of our Territory—her broad prairies had not been opened to cultivation, nor had her hills or mountains been explored with a view of finding the treasures lying hidden there. Instead of lending

our talents and energies to the work of developing the Mineral and Agricultural wealth of our Territory, we had devoted ourselves to the work of creating a superficial wealth in town lots—and if our punishment was severe, it was doubtless well merited.

The crisis of 1857 swept away all our fancied wealth, and left us dependent upon our own resources. Without means, in debt, and suffering all the evils and inconveniences which follow in the train of poverty, we were resting upon a mine of Agricultural and Mineral wealth, which only needed to be opened and its treasures taken forth, to render us, in and of ourselves, once more prosperous and rich. And while many of those who had been with us in the days of our prosperity, for *their* good, but not for *our* benefit, forsook us in the days of our adversity, and shrank back from the Herculean, but holy task, spread out before them, there were a host of nobler spirits, who, having linked their fortunes with those of our Territory, would not desert her while the days of gloom were upon her—spirits not discouraged by any difficulty, or unnerved by any trial, but equal to any and every emergency. These remained, and immediately set to work to develop the resources of the Territory, and raise her once more in the estimation of the world, and place her upon a sure and certain foundation; many towns were almost abandoned, while the plain was soon dotted with the cottages of the farmer—the virgin soil of the prairie was upturned, and instead of the tall rank grass, luxuriant crops of all the cereals were soon waving in the wind and ripening in the sunshine; and the garden spot of the West ceased to send abroad to less favored localities for the common necessities of life.

While, in the Spring and Summer of 1858, a large proportion of the people of Nebraska were turning their attention to the noble work of Agriculture, so well calculated to build up the prosperity of the Territory upon a foundation that would not fail her in any emergency, the remainder were not idle. There had been rumors in circulation for some time, traceable to sources calculated to give them some weight, and go far towards establishing their truth, to the effect that the Rocky Mountains, so long regarded as an impassable barrier between the Atlantic and Pacific—an idle waste of stone and sand—a foul blot upon the face of the continent—were rich in the precious metals; that beneath their rough exterior—beneath the unsightly mass of rocks, deep down in their flinty bosoms, were mines of Gold and beds of Silver, which would rival California in her palmyest times, and equal Potosi in her most glorious days. And upon this basis, fired with a holy zeal to accomplish something for the Territory of their adoption and for themselves, numbers forsook the comforts of home and the conveniences of civilization, and prepared with implements deemed necessary for a thorough examination, started across the Plains for the head waters of the South Platte, where it was rumored similar parties from Kansas were going.

By the time the base of the Mountains was reached, the season was so far advanced, and the rigors of a mountain Winter were so nearly upon them, that it was found impossible to prosecute any extended explora-

tion of the Mountains. They could only satisfy themselves that Gold existed in more or less quantities upon the plain, and be content to await the arrival of another Summer, before they could penetrate the bosom of the Mountains, climb their rugged sides, explore their canons and gorges, or plunge into the gloom of their caverns and caves.

The tidings of their probable success came to their friends on the frontier, and was by them heralded forth to the whole country: and ere the snows of winter had disappeared from the prairies, the roads leading westward were thronged with emigrants—some with wagons, some with handcarts, some on horseback, and others on foot—all wending their way to the new El Dorado. And long before the first of June—before the genial breath of Spring had removed the snow from out the valleys—there were congregated at the foot of the Rocky Mountains, a motley throng of twenty thousand persons, drawn from all classes of society—the work-shop, the farm, the store, the pulpit and the office—an ill-assorted, incongruous mass; the major part totally unfit for the work before them. They came with the expectation of realizing a golden fortune without making any effort; they found business unsettled, and society unorganized; Gold has been discovered in but limited quantities upon the plain; and it was only in the heart of those great Mountains—rising before them, one upon another, until the clouds that circled in eddying wreaths about their crests, hid their tops from view—that it could be found in sufficient quantities to repay the labor of gathering it. And when they comprehended that if their bright dreams were to be realized, they must dig the glittering ore where the sun of day scarcely penetrates—beneath the shadow of those eternal Mountains, on whose cloud-capped crests the snows of Winter ever remain, to rob Spring-time of its balmy breath, and Summer of its gorgeous glow—their hearts failed them, their resolution gave way, and they turned their faces homeward: to retrace beneath the scorching rays of a summer sun, their weary footsteps across the great Plains, until worn down in spirits and body, disheartened and fatigued, they should regain those homes which they had left but a few months before with such high hopes.

But the bone and sinew of that emigration remained, and devoted themselves to the task of giving the country a thorough exploration, and before many months had elapsed, the glad tidings were announced: that the Mines were all that were originally claimed for them—that the Mountain had at last opened up her store, and those who would, could enrich themselves from it.

Since that time the work of exploration and examination has been steadily progressing, and with an uniform result: Upon every side has been found Gold in abundance, as placed there by the hand of nature, and those who have the heart and the hands to toil may gather it.

With the following spring, emigration again set its face towards the Rocky mountains; and in this instance, was mainly composed of men in whom the ring of the true metal was readily observed. The world knows the result of their labors: Immense quantities of Gold have been taken out and sent to the mint, while still larger quantities remain in its native form, in the hands of those who took it from the mines.



In these latter explorations, Silver ore, yielding an unusually large percentage of the pure metal, has been discovered, and bids fair to rival in value the Gold product, itself. The Silver ore is found in veins which are both large and numerous; and before the present winter has passed away, their true value will probably be ascertained, and Silver occupy a high rank in the mineral product of that region, another season. Iron, Lead, Copper, Cinnabar and Gypsum, have been found in large quantities; and to the whole can be added inexhaustible beds of the first quality of Coal. Scarcely a week passes that some new discovery is not made; and we may safely assert, that no other country of like extent upon the face of the globe, possesses within itself so many elements of wealth and greatness, as does the western and southwestern portions of this Territory.

In order to fully develop the immense resources of those portions of Nebraska it is necessary that a thorough geological survey of the mountains be made under the direction and patronage of the Federal Government, and the passage of a Joint Resolution and Memorial showing the necessity which exists for it, will doubtless go far towards accomplishing the much to be desired object. A survey of this character by the government, under the direction of competent men, aided by all the appliances of art and the triumphs and tests of science, would find a fertile field for its operations anywhere within the limits of Nebraska, and especially in the region we have indicated—where it would doubtless bring to light many advantages and expose large deposits of every Mineral, which to-day are not supposed to exist, even in the *dreams* of the most sanguine and visionary.

The organization of the western portion of Nebraska—embracing the entire Gold region—into a separate government will, in the end, materially benefit the interests of the eastern portion of this Territory; as well as of the region named. Nebraska embraces within her limits sufficient territory for the formation of a half a dozen states, and under no ordinary circumstances can the people of the eastern portion hope to be united under a State Government with those residing in the Mining regions of the Rocky mountains. Indeed, there are many reasons why we should wish to *avoid* such a union: The difference between an agricultural and a mining people might create conflicting interests and engender local jealousies, which would render a union intolerable. It is in our proximity to these Mines; in the fact that all the travel to and from them must pass through our borders; that all their supplies of provisions must be drawn from our midst, or follow, in their transit from abroad, these great lines of travel, that the people of Eastern Nebraska are to reap their greatest benefits from the development and working of the Gold Mines within our Territory. To this end we should encourage the formation of a separate government for that region; for it will give them a good system of laws which will afford security to life and property, order to society and system to business, and through these channels stimulate the work of developing still further the Mineral resources of that country; and tend to build up a great state, whose people will be dependent upon us

for the common necessities of life, and pass through our midst in their intercourse with the world. The existence of a powerful and independent community immediately upon our western border, will always inure to our benefit—the immutable laws of trade, common interest, and the claims and courtesies of friendship will ever unite us in the strongest of ties. The existence of such a community will give us a point to the West, without which we can never hope to extend our rail roads in that direction: For it is impossible to run a rail road into a barren waste, or make its terminus in a desert; and equally so, to construct them in advance of civilization and the demands of commerce and travel, without entailing financial ruin upon those who undertake them.

The discovery of these Mines on the western borders of this Territory will probably work one of the greatest revolutions the historians of the world have ever been called upon to chronicle. A revolution which will be felt in every branch of business; which will be seen throughout the whole social and political organization of our country; which will call for new and radical changes; which will inaugurate a new era in the history of the world; and exercise a great and salutary influence upon the destinies of the whole country.

A large and constantly increasing demand will be made upon the most thinly settled portions of the Great West, for all the great staples of life, which will tend to settle up rapidly, with a hardy and industrious people, the great territories of the United States lying directly east of the Rocky mountains. Incident to this settlement there will be rail roads to build, colleges, churches and school houses to erect, towns and cities—great marts of trade and commerce—to build up, and many other enterprises to undertake and accomplish, in order that the new communities formed may keep pace with the enlightened and progressive age in which they live.

Our proximity to the Gold Mines of the Rocky mountains will give a new and powerful stimulus to the agricultural interests of Nebraska, which, from two causes, have ever been in a languishing condition: In early days, from the passion for speculation which seized upon our people; and in later days, from the fact that the produce of Nebraska had to be transported six hundred miles, by means of a character totally unsuited to the wants of the trade, and enter into competition with that of eastern states upon the very ground upon which it was raised—a disadvantage well calculated to remove all inducement for the farmers of Nebraska to produce more of the great staples of life, than could be consumed within the border of their own territory. But the tide of emigration now setting so strongly across the great plains and the immense carrying trade rapidly springing up in its wake, bids fair to remove all these difficulties under which the agricultural interests of Nebraska have thus far labored, and bestow advantages which will more than make amends in the future for the losses of the past.

Experience has certainly taught us that a mining country can not for a number of years at least, become an agricultural country also, and certainly must this, to an unusual extent, be true of the mining regions of the Rocky mountains, for the general character of the soil will for-

ever preclude the idea of its becoming to any extent an agricultural district, and there are other vocations in which the residents of that region can be more profitably employed. And as is certain there will be a large community in that region, yearly augmented by the addition of thousands from the eastern states, it is no idle speculation to assert that the people of that region will annually consume the greater share of the produce that, under the most favorable circumstances, Nebraska can spare for exportation. Lying directly east of these mines, and the nearest agricultural district to them, it is but natural for us to anticipate, that upon the farmers of this Territory will the first and greatest draft be made for those great staples of life, which the necessities of that people require and demand. This new market opened to us on the west, will reverse the great laws of trade by which we have heretofore been governed. For instead of our produce being worth at home, the price it would bring in an eastern market, *less* the cost of transportation, henceforth, it will be worth the price it would bring in that market, with the cost of transportation *added*. And in order to compete with us in this western market, the agriculturalists of the east will be subjected to all the incidental expenses, and those vexatious delays and annoyances to which the farmers of Nebraska have been subjected in selling their produce in an eastern market. Besides, the immense emigration now passing through our borders, will for some time afford a ready sale at home, for a large proportion of our produce at a remunerative price.

The Gold Mines of the Rocky mountains will very soon, if they have not already, exercised a great and controlling influence on the location of a Pacific rail road. Over a year ago, Judge Douglas, in a debate in the United States Senate on the Pacific rail road, said it was useless to quarrel about its location, for the newly discovered Gold Mines of the Rocky mountains had already determined that, and any change that might be made, would be in violation of the great laws of trade.

Nature has undoubtedly marked out the Platte valley as the great highway of nations across the American continent, the path which commerce should follow as it flows from ocean to ocean. For six hundred miles, does this noble valley stretch to the westward, until the base of the mountains is reached—a broad, level, fertile, beautiful valley—a rich empire within itself, almost capable of sustaining a Pacific rail road without any foreign aid—a great natural rail road route surveyed and graded by the hand of Deity, it needed no explorations to proclaim to the world its superior advantages, and when to its other advantages, the demands of the Gold Mines at its western terminus shall be added, it requires no prophetic eye to foresee, that when the greatest enterprise of the age is really undertaken, the Platte valley will be the favored route.

Many years ago, the subject of a Pacific rail road was first mentioned and pronounced by all, impracticable. When California sprung as if by magic from the desert, the subject of a Pacific rail road was again broached; *one point* had been gained, a western terminus had been found; but it needed some intermediate point, ere the gigantic enterprise could be undertaken. An "intermediate point!" No sooner pronounced

necessary, than it is *found*! The progressive spirit of the age had seized upon the sturdy, sun-browned pioneers, and with that energy which o'erleaps all obstacles placed in its pathway, they plunged nobly, boldly and manfully into the desert, and at the foot of the chained Rockies have made *that* point. And with the state and interest at the foot of the mountains, which another year will develop, who will say the Pacific rail road is an enterprise of to-morrow, but not of to-day.

Scarcely three years have rolled away since the soil of this modern land of Ophir was untrodden by the foot of the white man—since the dusky savage alone gathered from its yellow sands the glittering gold, and troops of roving Indians and herds of grazing buffalo alone visited or inhabited its beautiful plains. Three years, and what a change. Towns and cities have been built, its broad plains and deep mountain defiles are inhabited by a large population of civilized and enlightened white men; on every side is heard the busy hum of business, or seen the footprints of civilization as she sweeps onward in her triumphant career, reclaiming nature from its wildness, populating with the sons and daughters of freedom every vale, developing the agricultural resources of every plain, bringing to light the hidden wealth of every hill and mountain, and causing "the desert to bud and blossom as the rose."

We have no adequate means of ascertaining the exact amount of gold already gathered from that vast field, and in the short time we have been able to bestow to the investigation of this subject, we have not been able to ascertain the amounts purchased at various points on the Missouri river, and can only give the amount purchased since the season commenced by the bankers of Omaha, which is \$411,985 68, to which add \$107,000, which has reached the same city in the hands of the express companies, making \$518,985 68, which has been forwarded from Omaha to the Mint during the past season. It is estimated that not over one-sixth of the whole amount of Gold dust reaching Omaha, is purchased by the resident bankers, and taking our first figures as a basis, we have an aggregate of \$2,578,714 08 as the amount of Gold dust passing through Omaha, alone. When we consider that a large portion of the Gold does not pass through our Territory at all, but seeks the eastern market by way of Leavenworth and St. Joseph, and that, of that passing through our Territory, large quantities are purchased in Plattsmouth, Nebraska City, and Brownville, and that probably over one-half of the whole amount gathered is retained in the mines themselves, partly as a circulating medium there, and a large portion in the possession of those who took it from its native bed; that large quantities are in the hands of persons at different points between the Missouri river and Denver, and that large quantities are disposed of in purchasing supplies in all the border towns, of which we have no account, and can form no estimate; we deem that we will not be very far out of the way in assuming that the gold crop of the past year (notwithstanding the many disadvantages under which the miners have labored, and the fact that the season was far advanced before operations were actually commenced) will not fall short of \$20,000,000. And that with the experience of the past season, and the use of the machinery already on

the ground and ready for shipment early in the Spring, the yield of last year will be more than doubled in the present; and that the sum total will be largely swelled by the successful development and working of the Silver Mines, which thus far have not yielded anything worth mentioning, over and above the capital expended upon them.

In view of the large amount of Gold dust finding its way to various points on the Missouri river, a United States Assay office in this Territory, would prove of great value and convenience to the citizens of Eastern Nebraska, as well as to the residents of the mining districts. The shipment of Gold dust to the eastern cities for the purpose of ascertaining its true value, entails a needless expense upon the owner, and the establishment of an assay office at some point in this Territory, would tend to obviate this difficulty, and at the same time throw all this Gold into actual circulation. For it is a conceded fact, that a majority of the miners, not knowing the true value of the treasure in their possession, and invariably fixing too high an estimate upon it, absolutely refuse to part with it for the prices offered, and retain it in their possession until necessity forces them to sell, when they are too often made the victims of some speculator's avarice.

While upon this branch of the subject, it may not be amiss to say something with reference to the various routes leading to the Gold Mines of the Rocky mountains. There can be but one good route across the great plains, and that by way of the Platte valley, and all routes that do not enter it east of Fort Kearney, can only be traveled at a great sacrifice of time, money, comfort and convenience. They are unsettled, and poorly supplied with wood, water and grass, and for long distances actually destitute of one or the other of these great requisites to a good route. The history of the sufferings of some of the emigrants who were induced to travel some of these routes in the spring of 1859, is so fresh in the public mind, that it is unnecessary to speak more at length with reference to them.

It is a mistaken theory that prompts the emigrant to always take the route that appears by the map to be the shortest and most direct, for, on the plains, roads can not be constructed in straight lines, but have to follow the water-courses, and the road which, on the map, appears the *shortest*, may, in reality, be the *longest*. For instance, St. Joseph appears by the map, to be the nearest point to the Mines, but, after the emigrant has dragged his weary footsteps up hill and down, over its tedious length for nearly three hundred miles, he finds himself at Fort Kearney (within one hundred and eighty miles of Omaha, Plattsmouth, Nebraska City or Brownville), some *eighty miles* north of the place from whence he started; and when he reaches Denver, he finds himself some *fifty miles south* of Fort Kearney, making some one hundred and thirty miles lost travel, by the road running north of the direct line, and then back to it. All of this lost travel could have been saved, by taking either of the four great routes starting from the leading points in Nebraska.

The Platte valley affords an excellent pasturage throughout its entire length; it is well supplied with wood, and the swift waters of the noble

river which courses its way through it, is of nature's sweetest beverage. While other routes drag their wearisome length through a comparative desert, the Platte valley runs, as it were, through a garden. All the four great routes of Nebraska—from Omaha, Plattsmouth, Nebraska City and Brownville—reach this valley in a few miles, and then follow it up, as it sweeps westward on one unbroken plain to the base of the Mountains. At the eastern terminus of each of these routes, thriving cities are springing up, worthy of the pride of older regions. In each of these places are a score or more of stores, from which the emigrant can purchase everything needed for a trip across the plains, or for the prosecution of any branch of business, after the land of gold is reached. Wholesale houses at either of these points are prepared to furnish complete stocks of every variety of goods necessary for embarking in the mercantile business in the Mines. The surrounding country affords an abundance of all kinds of stock necessary for teams, and large quantities of every kind of grain; while express coaches, carrying the United States Mail, run at short intervals between them and the Mines, by routes on which nature has showered her beauties with a lavish hand, and where the eye will be constantly greeted by an ever-changing landscape, and charmed with the wild picturesque beauty of the scenery.

Thus far the Mines discovered and worked have been confined to the region of country where the fortieth parallel of latitude crosses the Rocky mountains, and but few, if any companies of miners have carried their explorations into the bosom of the mountains, far to the north or south of that point. On the western slope of the mountains—for we regard all the different ranges as part of the same grand chain—gold has been discovered on the lower waters of the Colorado, in California, at different points in Oregon, and on Fraser river, above the forty-ninth parallel, in the British possessions—stretching across some sixteen or seventeen degrees of longitude. The discovery of gold near Pike's Peak, goes far towards establishing the fact that similar deposits exist for the same distance, throughout the same vast region, on the eastern slope of the Rocky Mountains.

At a very early day, some of the members of Col. Fremont's party discovered gold on some of the streams in passing through the mountains; among them, Mr. C. Lambert, now residing at Decatur, in this Territory. The same result followed the examinations made upon the banks of the Sweet Water, North Platte, and other mountain streams, by the emigrants en route for California. The strict discipline of the army prevented the members of Col. Fremont's party from following up their discovery with a careful and thorough exploration, with a view of ascertaining the extent of the gold-bearing region, and the richness and value of its mines. And before the intelligence could be made known from the shores of the Pacific it attracted but little attention, being lost sight of in the glowing accounts of the discovery of the mines of California which followed so closely upon it. The California emigrants, who also discovered gold in the Rocky Mountains were fired with the glowing accounts received from the Pacific, were restless and excited, and had a far richer El Dorado than the one to which they were jour-

neying, opened its wondrous wealth at their feet, they would scarcely have tarried to gaze upon it. Hence they too, pushed on, and left the Mines of the Rocky mountains to slumber on in oblivion until some chance eye should discover their wealth, and other hands gather their glittering treasures. But after the pressure of hard times had again settled down upon the people, these old stories were again revived, and gathering weight each time they were told by receiving the confirmation of those who had at various times, found Gold there, together with the fact that the Indian tribes frequently disposed of the shining dust to the traders who went among them, led to the explorations of 1858, which so fortunately resulted in the discovery of the Mines on the fortieth parallel.

Similar Gold fields are reported to have been discovered far to the southward in New Mexico, and their existence in Arizona, will no longer admit of a doubt. And it has been known for some time that Gold, having every appearance of coming from an extensive deposit, continually finds its way to the settlements from the Indian Traders, far up upon the head waters of the Missouri and Yellowstone—several hundred dollars having been brought down by a single individual. And, though thus far, the jealous care of the Indians has effectually prevented the whites from obtaining any accurate information as to the exact locality where they found and gathered the precious ore, there is no doubt existing in the minds of those informed upon the subject, that extensive Gold fields exist to the Northwest of us. We might allude, in this connection, to a favorite idea among Geologists going to show the same state of facts. Geologists in accounting for the existence of Gold in a few isolated localities in Iowa and Minnesota, hundreds of miles from any mountain range, have unanimously adopted the theory by which they account for the existence of the "Lost Rock," which, weighing tons, are scattered here and there over the prairies of Illinois—that with the same drift which came down from the north, bringing this "Lost Rock," came also immense masses of Gold-bearing Quartz, which, lying for ages exposed upon the prairies to the action of the elements, to the extremes of cold and heat, wet in turns, and dry, gradually crumbled and decomposed by the hand of time, mingled with the soil and left its deposit of Gold in its old bed to be discovered by some curious eye—ages after all traces of the original Quartz has been lost—and challenge the world of science to tell from whence it came. We do not pretend to say that this theory is correct, but it is a favorite idea among Geologists, that a large portion of this country came down in an immense "drift" from the North during some great convulsion of Nature, and they have established its truth to their own satisfaction, and we give it for what it is worth—inasmuch as it has been announced as the result of a thorough scientific research, and was not formed for the purpose of supporting a proposition like the one to which we have applied it.

In fact, upon whatever side we turn, we can not fail to encounter evidence of more or less weight, all going to show that far to the northwest of us, there exist extensive Gold Fields. It no longer admits of

a doubt that they exist to the south and south-west of us. Admitting both these propositions, by what species of reasoning should we fail to believe that the whole mountain range—between the mines of the far north, and those of the sunny south—is filled with golden treasures, and at any point between, where the necessary conveniences can be found, the mountains will amply reward the toil of the miner?

It has never fallen to the lot of Nebraska to have a thorough and complete Geological examination, by competent men, of the territory within her borders—some portions have indeed, been partially examined, but more with reference to ascertaining the general character of the country than of determining the existence or non-existence of any particular mineral. And the existence of Gold, unless it be by some lucky accident, can not be determined without a thorough and laborious examination. Such an examination, no part of Nebraska has received at the hands of the general government. The exploring parties sent out by the government, have been for the purpose of ascertaining the exact location of the mountain ranges, the nature of the soil and the different kinds of animals, birds and insects that find a home there; and although such geological facts as came under their observation and were properly understood have been contained in their reports, their investigations have been confined to other matters. Of the hidden mysteries of that immense mountainous region lying north of this latitude, we must long remain in ignorance, unless the government fits out an expedition and gives the thorough examination of that whole country, which the interest attaching to it would seem to demand.

The valley of the Yellowstone constitutes another interesting portion of Nebraska, which is supposed to be rich in minerals, with a soil adapted to agriculture, and a climate so different from what would be expected, that a thorough examination of its resources, geologically and otherwise, would probably be of more startling interest, than of any other portion of our territory. But few as yet have penetrated to any great distance into the valley of the Yellowstone, but from the accounts given by them of what little they have seen, we may well infer it is the most fertile portion of Nebraska. Possessed of great length, it is so environed by great mountain ranges as to almost constitute a little world of its own. The numerous valleys leading into it, like the main valley, are so protected by the mountains which wall them in upon almost every side, that the climate is comparatively mild and salubrious, notwithstanding their high latitude.

The whole country exhibits evidence of violent and recent volcanic action in the ashes, embers and blackened stones that bestrew it in many places, and report says that among those grand old mountains which have for ages cast their shadows across this beautiful valley, there are volcanos not yet extinct, which at long intervals disturb the solitude which reigns there, with their thunders. Who will dare say but what the same grand upheaving of Nature that raised the Gold of lower latitudes from the depths of the earth, also threw up similar deposits along the mountains which skirt the Yellowstone and its tributaries?



No one can comprehend the vast wealth of Nebraska, or realize the proud position she is destined to occupy in the history of the world. We can scarcely realize that within the limits of this territory there is more natural wealth concentrated, than in the same scope of country known to man; and that a few more years will probably develop facts which will make her the cynosure of all eyes; which will cause the tide of emigration to forsake its accustomed channels, and seek those portions of Nebraska which are now deemed most inaccessible, and build up Empires—rich, powerful and independent of themselves—in a region we have been accustomed to look upon as a dreary waste, not designed by the Creator for the habitation of man, where the savage Indian could not even subsist—a desert where the bear and panther could find a refuge which man would never invade.

While the western portion of our territory is so rich in minerals—while the bosom of her mountains are filled so full of Nature's richest stores, we have every reason to believe that the eastern portion of Nebraska is not destitute—that the people in her valleys and along her great rivers, as well as those who reside within the shadows of her lofty mountains, can also claim *their* share of mineral wealth.

Although the eastern portion of this territory has been settled for the past seven or eight years and frequently visited by white men for the last twenty-five, but little has yet been done towards searching for those beds of coal, etc., which will be of inestimable value to our territory and facilitate rapid settlement. Everything seems to have been left to chance, to develop. Though indications of coal exist upon every side, no thorough scientific effort has been made to ascertain the exact locality of the deposit or its extent and value. The sand-bars in the Missouri river immediately below where the river dashes its strong current against a bluff, are covered with fragments of coal. This has been observed in almost every instance, and frequently pieces of coal weighing several pounds have been found—it has also been ascertained that on the bars immediately above the bluffs, no indications of coal exist, unless it be in fine particles, which admit of the probability that the river has floated them a long distance. Showing conclusively that on the water level, at least, there are immense beds of coal, and that the action of the water has torn fragments from its place, and the fierce current has borne them along with its resistless force, until a cavity in some sand-bar afforded a resting place until another freshet should carry them into the deep water beyond.

Coal has been discovered in Pawnee, Johnson, Otoe, Sarpy, Douglas, Dakota and Dixon counties, and the beds of the creeks in many other portions of the Territory are thickly covered with fragments of it. The beds discovered, give unmistakeable evidence that they are but mere veins leading from the main bed, or perhaps narrow straits running parallel with it, and although some of these veins are rich, it is believed that the main bed has never yet been reached. In Dixon county, a road leading from the town of Ponca to a neighboring saw mill, passes over the side or point of a bluff or hill, where it became necessary to make a side grade, and in doing so, a vein of coal over two feet thick was found.

This vein has been tested, and compares favorably with that taken from like exposed situations in the mines of other States.

Judging from the short distance from the coal mines of Iowa to the Missouri river, and the fact that the inclination of the bed rock is from the West to the East, it can not be possible that the coal beds of the eastern portion of this Territory lie beneath the water level. They may extend beneath it, but their surface will surely be found at a considerable distance above it.

The peculiar geological formations which usually overlies beds of coal, are known to exist in Nebraska at no great distance beneath the surface, and have been found immediately beneath the shallow veins of coal which have been found, and yet no one seems to have been possessed of enough curiosity to penetrate it and ascertain what lies below it.

It might be well for this legislature to devise some means by which the search for coal would be encouraged, as our people do not feel able to incur at the present time the expense it would entail—and hence those long familiar with coal mining, who have expressed an opinion favorable to the existence of great deposits of coal beneath large portions of this Territory, have failed to meet with sufficient encouragement to warrant them in instituting a careful search for it.

There is another element of mineral wealth in the eastern portion of this Territory which seems to have become well nigh forgotten, though at an early day in the history of our Territory, it attracted considerable attention. We allude to Salt Springs. On the eastern borders of Lancaster county, in a basin or marsh enclosed by a semi-circular range of bluffs, are a dozen or more of these Springs of unusual strength and value, which pour their waters into Salt Creek, which runs through the basin, in such quantities as to render the saline quality of its waters readily apparent and traceable by the eye for a long distance below where they fall into the Platte. These Springs are represented by parties who have visited them, to be of immense value, pouring forth a large volume of water containing an extraordinary percentage of pure salt, which has impregnated the land surrounding them for quite a distance. And as they are only some forty miles from the Missouri River, the day may not be far distant when they will prove a source of great wealth to the Territory.

So rich are the waters of these Springs, that a thick crust of pure Salt forms around their edges and on the margins of the streams by which their waters flow into the creek. Persons living in that locality gather this crust by the wagon load and bring it into Nebraska city, where it finds ready sale. By a little refinement to remove the earth attached to it, it is made to excel in quality the finest article of Dairy Salt imported into the Territory.

At an early session of our Legislature, the Chester and Lancaster companies were incorporated for the purpose of manufacturing salt from these Springs, but they either lacked the capital to erect the necessary works, or else they partook of the character of other corporations created at the same time—having privileges granted to them which they could sell out to third parties at an exorbitant price, without any intention

of fulfilling the objects of the corporation themselves. Certain it is, at any rate, that they never went into operation; and though we could manufacture, within a day's travel of the Missouri River, enough salt to supply half the Great West, we import to-day from Eastern markets, almost all of that commodity consumed within our borders.

A few miles from Concord, and about eight miles north-west of Ponca, in Dixon county, is a locality known in that region as the Burning Bluff. And even when the thermometer is at its lowest, by reason of intense cold, the face of this Bluff is comparatively hot. It abounds in small holes or cavities, from whence issues a kind of steam or vapor, with a temperature so high as to be painful to the hand of the visitor exposed to it. At the foot of this Bluff, presenting the appearance of having been blown, as it were, from the holes and cavities in the face of the Bluff, lie large quantities of Alum. Strange as it may appear, this fact, though generally known among those well informed with reference to the eastern portion of our Territory, has attracted little or no attention! Who can tell what wealth may lie hidden there?

It is to be regretted that the subject of the Mineral wealth and resources of our great Territory and the grand results likely to flow therefrom, have received so little attention at the hands of our previous Legislatures; and we deem that an annual statement made to the Legislature at each session, of the progress of developing our mineral resources, would be fraught with the most beneficial results, and prove of great use and much interest to the people of the Territory.

All of which is most respectfully submitted.

MERRILS H. CLARK, Chairman.

ALFRED MATTHIAS,

H. W. PARKER,

J. R. HYDE,

THOMAS B. FISHER, Committee.

Mr. Mathias of Otoe, moved that the House take up  
H. F. No. 60, "A bill for an act to apportion the members of the House  
of Representatives."

Call of the House demanded.

Absent—Messrs. Downs, Fowler, Reddick and Whaley.

Mr. Mead of Washington, moved that Mr. Reddick be excused for the day.

Lost.

On motion of Mr. Griffin of Douglas,

The Sergeant-at-Arms was dispatched after absentees.

Mr. Mathias of Otoe, moved that all further proceedings under the call be dispensed with.

Lost.

Mr. Whaley, one of the absentees, having appeared within the bar.

On motion of Mr. Baker,

All further proceedings under the call dispensed with.

## Message from the Council:

COUNCIL CHAMBER,  
January 7th, 1861. }

*Mr. Speaker :*

I am directed to return to your honorable body

H. F. Nos. 44 and 8, "A bill for an act to provide for the valuation and assessment of the real and personal property, and for the levying and collection of taxes in the Territory of Nebraska."

The same having passed the Council with certain amendments there-  
to attached. E. P. BREWSTER, Chief Clerk.

Mr. Lockwood of Dakota, moved to postpone the further consideration of the "apportionment bill," and to take up the "revenue bill."

Upon which ayes and nays demanded.

Ayes—Messrs. Barrett, Clark, Cleburne, Coleman, Cotterell, Davidson, Davis, Gates, Gilmour, Grebe, Griffin, Hedde, Hyde, Lockwood, Lowe, Mead, Millard, Porter, Reed and Whaley.—20.

Nays—Messrs. Baker, Barnum, Beane, Cavins, Cowles, Downs, Fisher, Fowler, Hacker, Mathias, Mullen, Parker, Sibley, Sollenberger and Tisdell.—15.

Carried.

H. F. Nos. No. 44 and 8, "A bill for an act to provide for the valuation and assessment of real and personal property, and for the levying and collection of taxes in the Territory of Nebraska."

Was taken up.

On motion,

The House concurred in the amendments of the Council to said bill.

Mr. Mathias of Otoe, moved to take up

H. F. No. 60, "A bill for an act to apportion the members of the House of Representatives."

Call of the House demanded.

Absent—Messrs. Chase, Mead, Reddick and Sollenberger.

Mr. Davis of Cass, moved that all further proceedings under the call be dispensed with,

Upon which the ayes and nays were demanded.

Ayes—Messrs. Baker, Barnum, Beane, Cavins, Cowles, Davis, Fisher, Hacker, Mathias, Mullen, Parker, Porter, Sibley, Sollenberger and Tisdell.—15.

Nays—Messrs. Clark, Cleburne, Coleman, Cotterell, Davidson, Davis, Downs, Fowler, Gates, Gilmour, Grebe, Griffin, Hedde, Hyde, Lockwood, Lowe, Millard, Reed and Whaley.—19.

Lost.

Mr. Mead, one of the absentees, appearing in the House,

On motion,

All further proceedings under the call dispensed with.

Mr. Lockwood of Dakota, moved to indefinitely postpone the bill.

Pending which,

A message from the Executive:

EXECUTIVE CHAMBER,  
Omaha, Jan. 7th, 1861, }

*Mr. Speaker :*

And Gentlemen of the House of Representatives.

I am instructed by the Governor to announce to your honorable body that he has signed and approved,

“An act to legalize taxes heretofore assessed;”

“Memorial relative to a tri-weekly mail route from Columbus to Fort Kearney;”

“An act to authorise Eliza K. Mitchell and Alexander Hunter to keep a mill dam across Mill Creek at Florence, Douglas county, N. T.,”

“Joint resolution for the payment of the Engrossing and Enrolling Clerks;”

“An act to regulate and establish the rate of interest on money and on contracts.”

JOHN McCONIHIE, Private Secretary.

Question recurring upon the motion to indefinitely postpone,

The ayes and nays were demanded.

Ayes—Messrs. Barrett, Clark, Cleburne, Coleman, Cotterell, Davidson, Gates, Gilmour, Grebe, Griffin, Hedde, Hyde, Lockwood, Lowe, Mead, Millard, Reed and Whaley.—18.

Nays—Messrs. Baker, Barnum, Beane, Cavins, Cowles, Davis, Fisher, Fowler, Hacker, Mathias, Mullen, Parker, Porter, Sibley, Sollenberger and Tisdell.—16.

Carried.

C. B. No. 84, “A bill to amend the charter of the city of Omaha,”

Read first time.

On motion,

Rules were suspended, the bill read a second time by title and referred to a special committee, composed of the Douglas county delegation.

H. F. No. 85, “An act to provide for the publication of decisions of the Supreme Court.”

Read first time.

On motion,

Rules suspended and bill read second time.

Mr. Baker of Nemaha, moved that the bill be indefinitely postponed.

Upon which the ayes and nays were demanded:

Ayes—Messrs. Baker, Barnum, Beane, Clark, Coleman, Cotterell, Cowles, Davis, Fisher, Gilmour, Griffin, Hacker, Lockwood, Mullen, Parker, Porter, Reed, Sibley, Sollenberger and Tisdell.—20.

Nays—Messrs. Cavins, Cleburne, Gates, Hedde, Lowe, Mathias, Mead, Millard and Whaley.—9.

Carried.

H. F. No. 86, "A bill for an act changing the southern and western boundary of Platte county."

Read a third time.

On motion,

Passed and title agreed to.

Mr. Clark of Douglas, called up the following resolution offered by himself yesterday:

Resolved, By the House of Representatives of the Territory of Nebraska, That no bill, act or joint resolution, or any new subject matter whatever, shall be introduced or entertained by this House after Monday, the seventh day of January, A. D. 1861.

On motion of Mr. Davis of Cass,

The resolution was indefinitely postponed.

Mr. Baker of Nebraska, introduced

H. F. No. 159, "Joint resolution for the relief of A. D. Luce."

Read first time.

On motion,

Rules suspended and resolution read second time.

Mr. Lockwood of Dakota, moved that the resolution be laid on the table,

Upon which the ayes and nays were demanded.

Ayes—Messrs. Barnum, Coleman, Cowles, Griffin, Lockwood, Mathias, Mullen, Parker, Sibley, Sollenberger and Whaley.—11.

Nays—Messrs. Baker, Beane, Cavins, Clark, Coleman, Cotterell, Davidson, Davis, Downs, Fisher, Fowler, Gates, Gilmour, Grebe, Hacker, Hedde, Lowe, Millard, Porter, Reed and Tisdell.—21.

Lost.

On motion,

Resolution referred to the Committee on Militia.

C. B. No. 80, "A bill for an act to repeal a certain law, approved Jan. 13th, 1860."

Read first time.

On motion,

Rules suspended and bill read second and third time by title.

Passed and title agreed to.

C. B. No. 82, "A bill for an act to repeal an act entitled 'An act to authorize the city council of Nebraska city to reduce the width of Kansas street, and to vacate certain alleys.'"

Read the first time.

On motion,

Rules suspended and bill read second time, and referred to Committee on Judiciary.

C. B. No. 83, "A bill for an act to incorporate Plattsmouth Lodge No. 6, A. F. and A. M."

Read first time.

On motion,

Rules suspended and bill read second and third time by title.

Passed and title agreed to.

Mr. Mead of Washington, introduced.

H. F. No. 160, "A bill for an act to vacate the town of Hudson in Washington and Burt counties,"

Read first time.

On motion,

Rules suspended, and bill read a second and third time by its title.

Passed and title agreed to.

C. B. No. 81, "A bill for an act to repeal the seventh section of an act entitled 'An act to exempt a homestead and a certain amount of personal property from forced sale on execution.'"

Read first time.

Mr. Griffin of Douglas, moved to indefinitely postpone the bill.

Lost.

On motion of Mr. Downs of Otoe,

The bill was laid on the table.

Mr. Lockwood of Dakota, moved that the report from the Committee on Mines and Minerals be ordered printed.

Carried.

On motion of Mr. Millard of Douglas,

The House at 6½ o'clock adjourned.

GEO. L. SEYBOLT, Chief Clerk.

HOUSE OF REPRESENTATIVES, }  
Tuesday, January 8th, 1861. }

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Journal read and approved.

Mr. Downs of Otoe, on leave, introduced

H. F. No. 161, "A bill for an act to prevent sheep and swine from forced sale on execution to pay debt."

Read the first time.

On motion of Mr. Downs of Otoe,

The rules were suspended, the bill by its title read a second time.

Mr. Davis of Cass, moved that the bill be made the special order for next Tuesday.

Not entertained.

Mr. Gilmour of Cass, moved to amend by adding, "provided that no sheep or swine running at large shall be so exempted."

Lost.

Mr. Davis of Cass, moved to amend by striking out all after the enacting clause.

Lost.

Bill read a third time.

Passed and title agreed to.

Tuesday, January 8th, 1861.

Mr. Grebe of Douglas, on leave, introduced

H. F. No. 162, "Joint memorial and resolution relative to a land grant for the growing of timber."

Read the first time.

On motion of Mr. Cleburne of Sarpy,

The rules were suspended, the memorial and resolution by its title read a second and third time.

Passed and title agreed to.

Mr. Parker of Clay, chairman of the Committee on Enrolled and Engrossed Bills, submitted the following report:

*Mr. Speaker:*

Your Committee on Enrolled and Engrossed Bills report

H. F. No. 134, "A bill for an act to amend an act entitled 'An act for the opening, repairing and locating county roads;'"

Also,

H. F. No. 152, "A bill for an act to provide for the publication of the general laws in one newspaper at the Capital,"

Correctly engrossed.

H. W. PARKER, Chairman.

Mr. Gilmour of Cass, on leave, introduced

H. F. No. 163, "A bill for an act to authorize James S. Allan, his associates, heirs or assigns, to keep a mill dam across Buffalo creek, in Sarpy county."

Read the first time.

On motion of Mr. Gilmour,

The rules were suspended, the bill by its title read a second time.

The rules were again suspended.

Read a third time.

Passed and title agreed to.

Mr. Lockwood of Dakota, chairman of the Committee on Judiciary, submitted the following report:

*Mr. Speaker:*

The Committee on Judiciary having had under consideration H. F. No. 155, beg leave to report the same back to the House and recommend its passage with the following amendment: Insert after the words "shall be brought with" "six months," and strike out "sixty."

W. F. LOCKWOOD, Chairman.

H. F. No. 42, "A bill for an act to amend an act entitled 'An act to exempt a homestead and certain articles of personal property from forced sale on execution,'"

Taken up and ordered engrossed for a third reading.

Mr. Fisher of Nemaha, on leave, introduced

H. F. No. 164, "A bill for an act to dissolve the bonds of matrimony between Wm. B. M. Breckinridge and Dyce Breckinridge.

Read the first time.



The rules were suspended, the bill by its title read a second time and referred to the Committee on Judiciary.

On motion of Mr. Lockwood of Dakota,

The rules were suspended, the bill by its title read second time.

The rules were again suspended.

Read a third time.

Passed and title agreed to.

The following message was received from the Council:

COUNCIL CHAMBER, }  
January 9th, 1861. }

*Mr. Speaker:*

I am instructed to inform your honorable body that the Council has passed

C. B. No. 70, "An act to confirm the title of John McConihe and William Thomas Clark to certain real estate in the city of Omaha in the Territory of Nebraska."

C. B. No. 87, "An act to authorize the transcribing certain records and files in the office of the Register and County Clerk of Dodge county."

C. B. No. 71, "An act to authorize Hadley D. Johnson to establish a ferry across the north fork of the Platte river."

And respectfully ask your concurrence therein.

I also return to your honorable body,

H. F. No. 75, "Joint resolution and memorial relative to certain lands claimed by the War Department, as the 'Fort Kearney reservation.'"

H. F. No. 140, "A bill to restrain sheep and swine from running at large within the limits of Pawnee county."

H. F. No. 123, "An act to locate and establish a territorial road from Fontenelle in Washington county to the northern border of said county."

H. F. No. 157, "Joint resolution for the election of certain officers."

H. F. No. 150, "A bill for an act to restrain sheep and swine from running at large in Richardson county."

H. F. No. 154, "A bill for an act to restrain sheep, cattle, swine and horses from running at large in Richland and Fontenelle precincts in Washington county."

H. F. No. 151, "An act to incorporate the Plattsmouth, Oreopolis and Denver City express company."

H. F. No. 146, "A bill for an act to restrain swine from running at large in the counties of Clay and Johnson."

The same having passed the Council without amendment.

I am also directed to inform your honorable body that the Council refused to concur in amendments made by the House, of

H. F. No. 74, "A bill for an act to amend an act, entitled 'An act to license and regulate the sale of spiritous and vinous liquors in the Territory of Nebraska,' approved Nov. 4th, 1858."

E. P. BREWSTER, Chief Clerk.

Mr. Millard of Douglas, on leave, introduced

Tuesday, January 8th, 1861.

H. F. No. 166, "An act to legalize the tax levy of A. D. 1860, in Douglas county, Nebraska."

Read the first time.

On motion of Mr. Clark of Douglas,

The rules were suspended, the bill by its title read a second and third time.

Passed and title agreed to.

Mr. Millard of Douglas, on leave, introduced

H. F. No. 167, "Joint resolution and memorial asking an appropriation to construct a bridge across the Platte River."

Read first time.

On motion of Mr. Clark of Douglas,

The rules were suspended, the resolution by its title read a second and third time.

Passed and title agreed to.

Mr. Davis of Cass, chairman of the Committee on County Boundaries and Seats, submitted the following report:

*Mr. Speaker:*

Your Committee on County Boundaries and Seats to whom was referred the petition of citizens of Buffalo county, relative to changing the county boundaries and locating the county seat thereof, report adversely to the same.

W. R. DAVIS, Chairman.

Report adopted.

Mr. Parker of Clay, chairman of the Committee on Enrolled and Engrossed Bills, submitted the following report:

*Mr. Speaker:*

Your Committee on Enrolled and Engrossed Bills report

H. F. No. 92, "A bill for an act to amend an act entitled 'An act to exempt certain articles of personal property from forced sale on execution.'"

H. W. PARKER, Chairman.

Mr. Fisher of Nemaha, on leave, introduced

H. F. No. 168, "A bill for an act to provide for the publication of the school law."

Read the first time.

The rules were suspended, the bill by its title read third time.

Passed and title agreed to.

On motion of Mr. Mathias of Otoe,

H. F. No. 42, "A bill for an act to amend an act entitled 'An act to exempt the homestead and certain articles of of personal property from forced sale on execution.'"

Taken up.

Read third time.

Passed and title agreed to.

Mr. Davidson of Sarpy, chairman of the Committee on Accounts and Expenditures, submitted the following report:

**Mr. Speaker :**

Your Committee on Accounts and Expenditures have had under consideration

H. F. No. 112, "A joint resolution for the relief of George D. Thayer and Harman Hartman,"

And report it back with the following amendment: Strike out one hundred dollars and insert eighty dollars, and recommend its passage.

Also,

C. F. No. 69, "To pay Joseph J. Unthank, one hundred dollars for his services as page of the Council,"

And report it back with the following amendment: Strike out one hundred dollars and insert eighty dollars, and recommend its passage as amended.

JAMES DAVIDSON, Chairman.

C. B. No. 66, "An act providing for the disposal of city licenses and fines,"

Taken up.

Mr. Lockwood of Dakota, moved to lay the bill on the table.

Carried.

Mr. Millard of Douglas, from special committee submitted the following report:

**Mr. Speaker :**

Your committee to whom was referred

C. B. No. 84, "A bill for an act to amend the charter of the city of Omaha,"

Have had the same under consideration, and report the same back to the House with the following amendment:

Amend so as to read "the north half of the north half of fractional section 26."

EZRA T. MILLARD,  
M. H. CLARK.

H. F. No. 112, "Joint resolution for the relief of George D. Thayer and Harman Hartman.

Taken up.

Passed and title agreed to.

Mr. Baker of Nemaha, from special committee, submitted the following report:

**Mr. Speaker :**

Your special committee which was appointed to inquire into the expediency of refunding to the several counties of this Territory a portion of the territorial taxes for 1860 and report by bill or otherwise, beg leave to offer the following report:

That according to the books of the Territorial Auditor there is due from

Cass county, .....	\$5,882.76
Dodge " .....	449.42
Nemaha " .....	2,236.58
Otoe " .....	5,817.59

Tuesday, January 8th, 1861.

Douglas county, .....	\$5,654.00
Richardson county, .....	1,913.19
Johnson       " .....	7.27
Washington   " .....	1,040.17
Sarpy         " .....	1,806.67
Dixon         " .....	117.39
Pawnee       " .....	410.37
Dakota        " .....	650.93
Burt          " .....	881.85
Platte        " .....	237.57
Cedar         " .....	170.38
Gage          " .....	141.24

Total amount due Territorial Treasurer, .. \$27,397.38

*Liabilities.*

There is yet due for the past year, to district attorneys, ....	\$200.00
School commissioners, .....	100.00
Librarian, .....	100.00
Treasurer, .....	100.00

Total amount for the past, .....

\$500.00

There will be needed for the present year, .....

\$500.00

To pay Territorial Auditor, .....	\$600.00
"       "       Treasurer, .....	400.00
"       "       Librarian, .....	200.00
"   School Commissioner, .....	600.00
"   office rents, .....	300.00
"   district attorneys, .....	2,100.00
"   incidental printing for offices, .....	100.00
	<hr/>
	\$4,300.00

*Legislative Expenses.*

Engrossing and enrolling clerks, .....	\$1,000.00
Pages, .....	300.00
For copying journals, .....	400.00
"       memorials, .....	100.00
Appropriation to Mr. Wilkinson, .....	120.00
	<hr/>
	\$1,920.00

*Military.*

Colonel of ordnance, .....	\$200.00
Expense of distributing arms, .....	200.00
	<hr/>
	\$400.00
Probable expense of the next legislature, .....	\$2,000.00
	<hr/>
Total demands upon the treasury to the close of the next legislature, .....	\$9,120.00
Thus leaving a surplus territorial revenue of, .....	18,277.38

If two-thirds of the territorial taxes for the year 1860, were authorized to be paid into the respective county treasuries, instead of paying the whole amount into the territorial treasury, the amount reverting to the several counties would be as follows:

Cass county, .....	\$2,000.00
Dodge " .....	161.26
Nemaha " .....	1,400.00
Otoe " .....	2,982.71
Douglas " .....	2,000.00
Richardson county, .....	1,000.00
Johnson " .....	122.00
Washington " .....	862.75
Sarpy " .....	1,000.00
Dixon " .....	60.00
Pawnee " .....	213.29
Dakota " .....	312.60
Burt " .....	307.35
Platte " .....	110.48
Cedar " .....	76.19
Gage " .....	94.16

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Total to counties,..... \$12,704.31

There would still remain due to the Territorial Treasurer, from

Cass county, .....	\$3,382.76
Dodge " .....	288.16
Nemaha county.....	836.58
Otoe " .....	2,834.88
Douglas " .....	3,634.00
Richardson " .....	913.00
Washington " .....	177.42
Sarpy " .....	806.62
Pawnee " .....	197.08
Dakota " .....	338.33
Burt " .....	574.50
Platte " .....	127.09
Cedar " .....	94.19
Gage " .....	47.08
Dixon " .....	56.54

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Leaving the territorial revenue..... \$14,808.47

From which deduct liabilities as above..... 9,120.00

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Leaving a territorial contingent fund..... \$5,788.47

Your committee are therefore of the opinion that it is not only *expedient* but highly proper that two thirds of the territorial taxes for 1860 be retained by the counties respectively in which they were levied. That the resources of the territorial treasury justify the measure and the monetary condition of our people demands this relief. And to this end

your committee beg leave to introduce the following bill and earnestly recommend its passage.

JOHN P. BAKER,  
WM. CLEBURNE,  
H. P. DOWNS,  
JOEL T. GRIFFIN,  
LOUDEN MULLEN.

Mr. Baker of Nemaha, on leave, introduced

H. F. No. 169, "A bill refunding to the several counties a portion of the territorial taxes for the year A. D. 1860."

Read the first time.

On motion,

The rules were suspended, the bill by its title read a second time.

Mr. Mathias of Otoe, moved to lay the bill on the table.

Call of the House had.

Absent—Messrs. Chase, Cowles, Downs, Fowler, Parker, Reddick and Sibley.

Mr. Clark of Douglas, moved that all further proceedings under the call be dispensed with.

Mr. Millard of Douglas, on leave, introduced

H. F. No. 170, "An act in relation to promissory notes, checks and bills of exchange."

Read the first time.

On motion of Mr. Millard of Douglas,

The rules were suspended, the bill by its title read a second time and referred to the Committee on Judiciary.

Mr. Hyde of Burt, on leave, introduced

H. F. No. 170½, "An act to exempt the counties of Burt and Dakota from the operations of certain sections of 'An act to prevent overdraw-ing public funds in counties.'"

Read the third time.

On motion,

The rules were suspended, the bill by its title read a third time.

Mr. Whaley of Platte, moved to amend by adding Platte county.

Carried.

Read a third time.

Passed and title agreed to.

Mr. Mathias of Otoe, of the Committee on Printing, submitted the following report:

*Mr. Speaker :*

Your Committee on Printing, to whom was referred

H. F. No. —, "A bill for an act to provide for the publication of the school law,"

Respectfully report that they have had the same under consideration and recommend its passage.

ALFRED MATHIAS, Chairman.  
THEO. R. FISHER,  
H. W. PARKER,  
S. A. LOWE,  
H. B. PORTER.

On motion of Mr. Matthias of Otoe,

H. F. No. 84, "A bill for an act to amend the charter of the city of Omaha."

Taken up.

On motion,

The report of the committee on said bill was Adopted.

Read a third time.

Passed and title agreed to.

C. B. No. 67, "Joint resolution to pay Joseph J. Unthank, for his services as page of the Council."

Taken up.

On motion,

Report of committee on said bill

Adopted.

Read a third time.

Passed and title agreed to.

Mr. Mullen of Cass, introduced

H. F. No. 171, "An act to amend 'An act to incorporate a seminary to be located in Cass county, Nebraska Territory,' which took effect Oct. 23, 1838."

Read the first time.

On motion of Mr. Mullen,

The rules were suspended, the bill by its title read a second and third time.

Passed and title agreed to.

On motion of Mr. Griffin of Douglas,

The House took a recess until 2 o'clock P. M.

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*Afternoon Session—2 o'clock P. M.*

The House met.

H. F. No. 155, "A bill for an act to confirm the title of Henry Brown to certain real estate in the city of Omaha, Nebraska."

Taken up.

Read third time.

Passed and title agreed to.

H. F. No. 152, "A bill for an act to provide for the publication of general laws in one newspaper printed at the Capital."

Taken up.

Read third time.

Passed and title agreed to.

Mr. Davidson, chairman of the Committee on Accounts and Expenditures submitted the following report:

*Mr. Speaker :*

Your Committee on Accounts and Expenditures have had under consideration

Tuesday, January 8th, 1861.

H. F. No. 143, "An act for the relief of William Sexaur,"  
And beg leave to report it back without amendment.

JAMES DAVIDSON, Chairman.

Mr. Davis of Cass, chairman of the Committee on County Boundaries and Seats, submitted the following report:

*Mr. Speaker :*

Your committee to whom was referred

H. F. No. 111, "A bill for an act to redefine the boundaries of Cumming city,"

Report the same back to the House and recommend that it do not pass.

Also,

H. F. No. 90, "A bill for an act to attach a part of Merrick county to Hall county,"

And recommend that it be indefinitely postponed.

W. R. DAVIS, Chairman.

Report accepted.

H. F. No. 143, "A bill for an act for the relief of Wm. Sexaur."

Taken up.

Read a third time.

Passed and title agreed to.

Mr. Parker of Clay, chairman of the Committee on Engrossed and Enrolled Bills, submitted the following report:

*Mr. Speaker :*

Your Committee on Engrossed and Enrolled Bills report that they have presented to His Excellency Gov. Black, correctly enrolled, the following bills:

H. F. No. 110, "An act to locate and establish a territorial road from Weeping Water Falls, Cass county, to Salt Creek crossing in Lancaster county."

H. F. No. 114, "An act to locate and establish a territorial road from Elkhorn city in Douglas county to Fontenelle in Washington county."

H. F. No. 134, "An act to locate and establish a territorial road from Table Rock in Pawnee county, to Nebraska city in Otoe county."

H. F. No. 103, "To legalize the acts of the county commissioners of Dixon county."

H. F. No. 144, "An act to provide for the distribution of the arms belonging to the Territory of Nebraska, and for other purposes."

H. W. PARKER, Chairman.

Mr. Parker of Clay, on leave, introduced

H. F. No. 172, "A bill for an act authorizing H. W. Parker and E. C. Austin to erect a mill-dam across Big Sandy River in Jones county."

Read the first time.

The rules were suspended, the bill by its title read a second and third time.

Passed and title agreed to.



C. B. No. 70, "A bill for an act to confirm the title of John McConihe and William Thomas Clark to certain real estate in the city of Omaha,"

Taken up.

Read the first time.

The rules were suspended, the bill by its title read second and third time.

Passed and title agreed to.

H. F. No. 134, "A bill for an act to amend an act, entitled 'An act for the opening, repairing and locating county roads.'"

Taken up.

Read a third time.

Passed and title agreed to.

C. B. No. 87, "A bill for an act to authorize the transcribing of certain records filed in the office of Register of Deeds and County Clerk of Dodge county."

Taken up.

Read the first time.

The rules were suspended, the bill by its title read second and third time.

Passed and title agreed to.

H. F. No. 48, "A bill for an act concerning the acknowledgement of conveyances of real estate,"

Taken up.

Mr. Lockwood of Dakota, moved to add the following as a new section to said bill:

*Form of Acknowledgment.*

Sec. 2.

Territory of Nebraska, }  
County of                    } ss.

Before me the undersigned, a                    within and for the county of                   , in the Territory of Nebraska, personally came, A. B. and C. D. his wife, and acknowledged the execution of the foregoing deed of conveyance.

Witness my hand and seal on this           day of                    18 . [L. s.]

Sec. 3. That whenever any deed or other instrument affecting or relating to real estate within this Territory, shall be executed without this Territory, if such execution be either in conformity to the law of this Territory, it shall be adjudged a sufficient execution thereof.

Adopted.

On motion,

The bill was ordered engrossed for a third reading.

C. B. No. 74. "A bill for an act to amend an act entitled 'An act to license and regulate the sale of malt, spiritous and vinous liquors in the Territory of Nebraska,' " approved Nov. 4, 1858.

Taken up.

Mr. Lockwood of Dakota, moved that the House do not recede from the amendments proposed by the House to said bill.

Carried,

And the House refused to recede from its amendments.

Mr. Lockwood of Dakota, moved that a committee of conference be appointed on said bill.

Carried.

Messrs. Lockwood, Cavins and Cleburne were appointed said committee.

C. B. No. 70, "A bill for an act to authorize Hadley D. Johnson to establish a ferry across the north fork of the Platte river."

Taken up.

Read the first time.

On motion,

The rules were suspended, the bill by its title read a second time and referred to the Committee on Corporations.

H. F. No. 169, "A bill for an act for refunding to the several counties a portion of the territorial taxes for the year A. D. 1860."

Taken up.

Mr. Mathias of Otoe, moved to strike out one third and insert two thirds in the first section, and two thirds and insert one third in the second section.

Lost.

Mr. Mathias of Otoe, moved to strike out one third where it occurs and insert one half.

Lost.

Mr. Cleburne of Sarpy, moved to amend by adding to section one the following:

After the one third above provided shall have been paid into the county treasury, no territorial warrants paid into county treasury in payment of territorial tax shall be cancelled, but the same may be reissued for the benefit of the county, in the same manner as if transferred to an individual.

Mr. Mathias of Otoe, moved to lay the bill on the table,

Upon which the ayes and nays were demanded with the following result:

Ayes—Messrs. Cavins, Davis, Gilmour, Hedde, Mathias, Millard, Sibley, Sollenberger and Whaley.—9.

Nays—Messrs. Baker, Barnum, Beane, Clark, Cleburne, Coleman, Cotterell, Cowles, Davidson, Downs, Fisher, Fowler, Gates, Griffin, Hacker, Hyde, Lowe, Mullen, Parker and Reed.—20.

Lost.

Mr. Mathias of Otoe, moved to postpone the further consideration of the bill until to-morrow.

Mr. Downs of Otoe, moved to lay the motion on the table.

Carried.

The question occurring on the amendment proposed by Mr. Cleburne of Sarpy,

It was adopted.

Mr. Millard of Douglas, moved that the bill be ordered engrossed for a third reading to-morrow.

Carried.

Mr. Gilmour of Cass, chairman of the Committee on Corporations, submitted the following report:

*Mr. Speaker:*

Your Committee on Corporations have had under consideration C. F. No. 71, "An act to authorize Hadley D. Johnson to establish a ferry across the north fork of the Platte river."

And recommend its passage.

WM. GILMOUR,  
FRED. HEDDE,  
S. P. SIBLEY,  
H. P. DOWNS.

C. B. No. 71, "A bill for an act to authorize Hadley D. Johnson to establish a ferry across the north fork of the Platte river,"

Taken up.

Read a third time.

Passed and title agreed to.

Mr. Lockwood of Dakota, on leave, introduced

H. F. No. 173, "A bill for an act to authorize Thos. C. Wood and others to keep and maintain a mill dam across the north fork of the Great Nemaha river, in Pawnee county."

Read the first time.

The rules were suspended, the bill by its title read a second and third time.

Passed and title agreed to.

Mr. Lockwood of Dakota, on leave, introduced

H. F. No. 174, "A bill for an act to regulate the time of holding courts in the counties of Pawnee, Clay and Gage."

Read the first time.

The rules were suspended, the bill by its title read a second and third times.

Passed and title agreed to.

Mr. Parker of Clay, chairman of the Committee on Engrossed and Enrolled Bills, submitted the following report:

*Mr. Speaker:*

Your Committee on Engrossed and Enrolled Bills report that they have this day presented to the Governor for his approval, correctly enrolled,

H. F. No. 2, "An act regulating the fees and salaries of certain officers."

H. W. PARKER, Chairman.

Mr. Fisher of Nemaha, chairman of the Committee on Militia, submitted the following report:

*Mr. Speaker :*

Your committee, to whom was referred

H. F. No. 159, "Joint resolution and memorial for the relief of A. D. Luce,"

Have had the same under consideration, they have examined the arms now in his possession, and find the same in good condition. The committee report its passage with the following amendment: In the 4th line from the bottom strike out two hundred dollars and insert one hundred dollars.

THOS. R. FISHER,  
H. P. DOWNS,  
GILES MEAD,  
WM. CLEBURNE.

Report adopted.

H. F. No. 159, "Joint resolution for the relief of A. D. Luce."

Taken up.

Mr. Lockwood of Dakota, moved to strike out one hundred and insert seventy-five.

Carried.

Resolution read the third time,

Passed and title agreed to.

Mr. Sibley of Otoe, on leave, introduced

H. F. No. 175, "A bill for an act to amend an act entitled 'An act to consolidate Nebraska city, Kearney city and South Nebraska city.'"

Read first time.

Rules were suspended, and bill by title read a second time and referred to a special committee composed of

Messrs. Mathias, Cavins, Sibley and Downs.

Mr. Griffin of Douglas, moved that the House take up

C. B. No. 7. "A bill for an act respecting elections."

Lost.

Mr. Lockwood of Dakota, moved that the House go into the Committee of the Whole on

H. F. No. 31, "A bill for an act regulating elections in the Territory of Nebraska."

Carried.

Mr. Parker of Clay, in the chair.

The House having resumed business, Mr. Parker of Clay, chairman of the Committee of the Whole, submitted the following report:

*Mr. Speaker :*

The Committee of the Whole to whom was referred

H. F. No. 31, "A bill for an act regulating elections in the Territory of Nebraska,"

Have made several amendments thereto, and have directed me to report the same back to the House and recommend its passage.

Report adopted.

Mr. Parker of Clay, moved that the bill be ordered engrossed for a third reading to morrow.

Carried.

Message from the Executive:

EXECUTIVE CHAMBER,  
Omaha, January, 1861. }

*Mr. Speaker :*

And Gentlemen of the House of Representatives:

I am instructed by the Governor to inform your honorable body that he has signed and approved the following bills:

"An act to locate and establish a territorial road from Weeping Water falls, Cass county to Salt creek crossing in Lancaster county."

"An act to locate and establish a territorial road from Table Rock in Pawnee county to Nebraska city in Otoe county."

"And act to locate a territorial road from Elkhorn city in Douglas county to Fontenelle in Washington county."

JOHN MCCONNIE, Private Secretary.

Mr. Mullen of Cass, chairman of the Committee on Schools, submitted the following report:

*Mr. Speaker :*

Your committee to whom was referred

C. B. No. 22, "An act relative to school sub-districts,"

Have had the same under consideration and report the same back to the House recommending that it do not pass.

LOUDEN MULLEN, Chairman.

Mr. Mullen of Cass, on leave, introduced

H. F. No. 176, "A bill for an act to amend an act entitled 'An act providing for the better regulation of schools in Nebraska,' " approved Nov. 4th, 1860,

And also,

"An act to amend 'An act for the regulation of schools,' " approved Nov. 4th 1858, and approved Jan. 13th, 1860.

Read first time.

On motion of Mr. Hyde of Burt,

The House at 6 o'clock P. M. adjourned.

GEO. L. SEYBOLT, Chief Clerk.

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HOUSE OF REPRESENTATIVES,  
Wednesday, Jan. 9th, 1861. }

House met pursuant to adjournment.

The Speaker in the chair.

Prayer by the Chaplain.

Journal read and approved.

Message from the Council:

COUNCIL CHAMBER,  
January 9th, 1861. }

*Mr. Speaker:*

I am instructed to inform your honorable body that the Council have passed

C. B. No. 72, "A bill for an act to confirm the title to certain real estate in Nebraska city;"

And,

C. B. No. 86, "An act to establish a ferry at St. Johns, in Dakota county;"

And,

C. B. No. 34, "An act to incorporate the Pacific telegraph company;"

Also,

C. B. No. 93, "A bill for an act to amend 'An act to incorporate the city of Plattsmouth,' approved March 4th, 1855.

And your concurrence therein is requested.

I also return you

H. F. No. 70, "A joint resolution and memorial asking Congress for an appropriation to erect a bridge over the Platte river, at or near its mouth;"

And,

H. F. No. 109, "An act to grant extension of time to the Pacific rail road company, and to increase the number of incorporators;"

And,

H. F. No. 160, "An act to vacate the town of Hudson, in Burt county;"

And,

H. F. No. 131, "A bill for an act to locate a territorial road from Omaha city to or near Hazleton, in Sarpy county;"

And,

H. F. No. 125, "An act to locate a territorial road from Ponca via Ionia to North Bend;"

And,

H. F. No. 135, "An act to incorporate the Nemaha city hydraulic company in Nemaha county;"

And,

H. F. No. 100, "A bill for an act for the relocation of a territorial road in Cass county;"

And,

H. F. No. 22, "A bill for an act to incorporate the Missouri and Western telegraph company;"

The same having passed the Council without amendment.

E. P. BREWSTER, Chief Clerk.

C. B. No. 86, "An act to establish a ferry at St. Johns, in Dakota county;"

Read first time.

On motion,

Rules suspended and bill read second time by its title and referred to a committee composed of the members of Dakota county.

C. B. No. 93, "A bill for an act to amend 'An act to incorporate the city of Plattsmouth,'" approved March 4th, 1855.

Read first time.

On motion of Mr. Mullen of Cass,

Rules were suspended and bill read second time by its title and referred to a select committee of three, with instructions to amend section 6, by striking out "city" and inserting "common schools."

The select committee to which was referred

C. B. No. 86, "An act to establish a ferry at St. Johns, in Dakota county,"

Have had the same under consideration, and report the same back without recommendation.

W. F. Lockwood.

On motion,

Mr. Reddick was granted leave of absence for the day.

The Committee on Engrossed and Enrolled Bills report that

H. F. No. 31, "A bill for an act regulating elections in the Territory of Nebraska,"

And,

H. F. No. 175, "A bill for an act to amend an act entitled 'An act to consolidate Nebraska city, Kearney city and South Nebraska city,'"

Are correctly engrossed.

H. W. PARKER, Chairman.

C. B. No. 34, "An act to incorporate the Pacific telegraph company."

Read first time.

On motion of Mr. Lockwood of Dakota,

Rules suspended and bill read second time.

Mr. Lockwood of Dakota, moved to suspend the rules and read the bill the third time, and put it upon its passage.

Upon which the ayes and nays were demanded.

Ayes—Messrs. Baker, Clark, Cleburne, Coleman, Cotterell, Cowles, Davis, Downs, Gates, Grebe, Griffin, Hedde, Hyde, Lockwood, Lowe, Mead, Millard, Parker, Porter, Reed and Whaley.—21.

Nays—Messrs. Barnum, Beane, Cavins, Fisher, Gilmour, Hacker, Mathias and Sollenberger.—8.

Carried.

Bill read third time.

Ayes and nays demanded upon its passage.

Ayes—Messrs. Baker, Barnum, Beane, Cavins, Chase, Clark, Cleburne, Coleman, Cotterell, Cowles, Fisher, Fowler, Gates, Gilmour, Grebe, Griffin, Hacker, Hedde, Hyde, Lockwood, Lowe, Mathias, Mead, Millard, Mullen, Parker, Porter, Reed, Sibley and Sollenberger.—31.

Nays—None.

So the bill passed.

On motion,

Title agreed to.

The Committee on Engrossed and Enrolled Bills report:

H. F. No. 169, "A bill for refunding to the several counties a portion of the territorial taxes for the year A. D. 1860."

As correctly engrossed.

H. W. PARKER,

M. H. CLARK.

C. B. No. 72, "A bill for an act to confirm the title to real estate in Nebraska city."

Read first time.

On motion,

Rules suspended, and bill was read second time by title and referred to a special committee composed of members from Nebraska City.

The special committee to which was referred

C. B. No. 93, "A bill for "An act to amend an act to incorporate the city of Plattsmouth," approved March 14th, 1855.

Beg leave to report the following amendments and recommend its passage as amended:

In section 5, strike out the words "city school fund," and insert "common school fund."

Strike out the words "for the use of the schools of said city," and insert the words "the schools of the county."

Strike out all of the proviso in section 5, and make the following the last section:

"That all acts or parts of acts inconsistent with this act are hereby repealed."

W. R. DAVIS,

LOUDEN MULLEN.

Report adopted.

The Committee on Engrossed and Enrolled Bills report:

H. F. No. 48, "A bill for an act concerning acknowledgments of conveyances of real estate."

Correctly engrossed.

H. W. PARKER, Chairman.

Mr. Davis of Cass, introduced

H. F. No. 177, "A bill for an act to allow a salary to the county clerk, in lieu of fees now allowed by law."

Read first time.

On motion,

Rules suspended, and bill read second time by title.

On motion of Mr. Mathias of Otoe,

The bill was laid on the table.

Mr. Lockwood of Dakota, introduced

H. F. No. 178, "A bill for an act to fix the time for holding the district court in the third judicial district."



Read first time.

On motion,

Rules suspended and bill read second and third time by title.

Passed and title agreed to.

Mr. Mathias of Otoe, introduced

C. B. No. 179, "A bill for an act to incorporate the Nebraska Savings Association."

Read first time.

On motion of Mr. Parker of Clay,

Rules suspended and bill read second time by title, and referred to the Committee on Banks.

Mr. Griffin of Douglas, introduced

H. F. No. 180, "A bill for an act to protect buffalo and antelope."

Read first time.

On motion,

Rules suspended and bill read second and third time by title.

Passed and title agreed to.

H. F. No. 126, "An act to incorporate the Omaha Gas company,"

Was taken up.

Mr. Millard of Douglas, moved that the bill be recommitted to a special committee, composed of the members of Douglas county.

Mr. Lockwood of Dakota, moved to amend by adding, "And that said committee be instructed to report the same back to the House this afternoon."

Carried.

Bill was so referred.

H. F. No. 31, "A bill for an act regulating elections in the Territory of Nebraska,"

Was taken up.

Mr. Davis of Cass, moved to recommit the bill to the committee with instructions to insert the following amendment to sec. 21; strike out "two disinterested householders" and insert "the county commissioners."

Carried.

H. F. No. 127 (substitute), "A bill for an act to locate a penitentiary at Wyoming,"

Was taken up.

Mr. Davis of Cass, moved that the minority report on said bill be adopted.

Call of the House demanded.

Absent—Messrs. Fowler, Sibley and Whaley.

On motion of Mr. Cleburne of Sarpy,

All further proceedings under the call dispensed with.

Question recurring upon the motion to adopt the minority report,

The ayes and nays were demanded.

Ayes—Messrs. Baker, Barnum, Beane, Cavins, Coleman, Cotterell, Cowles, Davis, Gilmour, Hedde, Mullen, Reed and Sollenberger.—13.

Nays—Messrs. Chase, Clark, Cleburne, Davidson, Downs, Fisher, Gates, Grebe, Griffin, Hacker, Hyde, Lowe, Mathias, Millard, Parker, Porter and Tisdell.—17.

Lost.

Mr. Clark of Douglas, moved to postpone the whole subject matter. /  
Carried.

The special committee to which was referred

H. F. No. 31, "A bill for an act regulating elections in the Territory of Nebraska,"

Report the same back amended according to instructions.

W. R. DAVIS, Chairman.

H. F. No. 31, "A bill for an act respecting elections in the Territory of Nebraska."

Read third time.

On motion,

Passed and title agreed to.

On motion of Mr. Hyde of Burt,

The House took a recess until 2 o'clock.

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*Afternoon Session—2 o'clock P. M.*

House met.

The Committee on Engrossed and Enrolled Bills reported that we have this day reported to His Excellency, Governor Samuel W. Black, for his approval, the following bills, which were previously correctly enrolled:

H. F. No. 150, "An act to restrain sheep and swine from running at large in Richardson county."

H. F. No. 151, "An act to incorporate the Plattsmouth, Oreapolis and Denver city express freighting company."

H. F. No. 140, "An act to restrain sheep and swine from running at large in the limits of Pawnee county."

H. F. No. 157, "Joint resolution for the election of certain officers."

H. F. No. 159, "An act to restrain cattle, sheep and swine from running at large in Richland and Fontenelle precincts in Washington county."

H. F. No. 123, "An act to locate and establish a territorial road from Fontenelle, in Washington county, to the northern boundary of said county."

H. W. PARKER, Chairman.

The following annual report of the School Commissioner was submitted:

OFFICE OF THE COMMISSIONER OF COMMON SCHOOLS, }  
Omaha, N. T., January 8, 1861. }

*To the Honorable the Legislative Assembly of the Territory of Nebraska:*

In pursuance of law I have the honor to submit the Annual Report of

Cass county has the most perfect school organization in the Territory, and made the nearest to full reports required by law. For the promptness and completeness with which the returns from that county were made, her able and efficient clerk deserves much credit.

**Total..... 376**

Brought forward,.....		376
Number of scholars enrolled:		
Primary schools,—males,.....	1377	
females, .....	1177	
Total, .....		2554
Grand total, .....		2930
Number of teachers employed:		
High schools,—males,.....		2
females, .....		2
Total, .....		4
Number of teachers employed:		
Primary schools,—males,.....		36
females, .....		74
Total, .....		100
Number of teachers employed:		
Select schools,—males,.....		8
females, .....		17
Total, .....		25
Number of school houses,.....		34
Value of school houses,.....		\$9188.22
"    furniture,.....		560.00
Amount paid for teachers' wages:		
High schools,—males,.....	\$905.00	
females, .....	195.00	
Total, .....		\$1100.00
Amount paid for teachers' wages:		
Primary schools,—males,.....	886.61	
females, .....	1795.74	
sex not reported,.....	989.81	
Total, .....		\$3672.16
Grand total for teachers' wages,.....		\$4772.00
Amount paid for school house sites,.....	\$50.00	
"    "    building and repairs,.....	67.82	
"    "    rent of school rooms,.....	296.50	
"    "    fuel, etc.,.....	114.75	
Carried forward,.....	\$529.07	\$4772.00

Wednesday, January 9th, 1861.

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Brought forward, .....	\$529.07	\$4772.00
“ “ furniture, .....	262.48	
“ “ contingencies, .....	185.85	
On hand and unaccounted for in several townships, .....	2464.44	
Total, .....		<u>\$3441.84</u>
Aggregate of expenditures, .....		<u>\$8214.00</u>

Teachers' reports were received from only forty-five schools, from not having blanks, or forms, or from lack of proper understanding of their general instructions of the law. These reports exhibit the number of pupils pursuing the various branches of study as follows:

Alphabet, .....	254
Orthography, .....	1614
Reading, .....	1574
Penmanship, .....	715
Mental arithmetic, .....	580
Written arithmetic, .....	583
Geography, .....	462
English grammar, .....	258
History, .....	53
Natural philosophy, .....	34
Chemistry, .....	6
Physiology, .....	42
Algebra, .....	20
Geometry, .....	9
Composition, .....	114
Declamation, .....	274
Drawing, .....	13
Vocal music, .....	284
Rhetoric, .....	11
Astronomy, .....	9
Physical geography, .....	5
Latin, .....	18
Greek, .....	1
French, .....	2

#### APPORTIONMENT.

The apportionment of territorial school funds for 1859 and '60, made June 4th, 1860, in accordance with the " Act to provide for making an enumeration of the unmarried white youth of Nebraska territory between the ages of five and twenty-one years," approved January 13th, 1860, is as follows. The statement embraces the condition of the territorial school fund account of the several counties within the territory:

Wednesday, January 9th, 1861.

*Burt County.*

To levy of territorial school tax for 1859 (per auditor's report), .....	\$280.54
By apportionment for 109 youth, .....	242.51
	<hr/>
Balance due school fund, .....	\$38.03

*Cass County.*

To levy, &c. (per auditor's report), .....	\$2,192.15
By apportionment for 1074 youth, .....	2,389.54
	<hr/>
Balance due county, .....	\$197.39

*Cedar County.*

To levy, &c. (per auditor's report), .....	\$37.14
--------------------------------------------	---------

*Clay County.*

By apportionment for 54 youth, .....	\$120.14
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*Dakota County.*

To levy, &c. (per auditor's report), .....	\$238.16
Interest collected, (county treasurer's report), ..	2.95
	<hr/>
By apportionment for 295 youth, .....	\$241.11
Balance due county, .....	647.33
	<hr/>
	\$406.33

*Dixon County.*

To levy, &c. (per county treasurer's report), .....	\$64.46
By apportionment for 104 youth, .....	231.39
	<hr/>
Balance due county, .....	\$166.93

*Dodge County.*

To levy, &c. (per county treasurer's report), .....	\$346.25
Draft on treasury of Washington county, .....	61.51
	<hr/>
By delinquent tax transferred to Washington county for collection, .....	\$407.76
Draft in favor of Washington county, .....	\$70.19
Apportionment for 87 youth, .....	144.00
	<hr/>
	193.57
	<hr/>
	497.76

*Douglas County.*

To levy, &c. (per auditor's report), .....	\$6,318.60
Interest collected (county treasurer's report), ..	80.25
	<hr/>
By apportionment for 916 youth, .....	\$6,398.85
	<hr/>
	2,038.01
	<hr/>
Balance due school fund, .....	\$4,360.84

Wednesday, January 9th, 1861.

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*Johnson County.*

To levy, &c. (per auditor's report),.....	\$135.90
By apportionment for 151 youth,.....	335.96
	<hr/>
Balance due county,.....	\$200.00

*Nemaha County.*

To levy, &c. (per auditor's report),.....	\$987.68
By apportionment for 997 youth,.....	2,173.72
	<hr/>
Balance due county,.....	\$1,186.04

*Otoe County.*

To levy, &c. (per auditor's report),.....	\$2,375.85
By apportionment for 1240 youth,.....	2,658.88
	<hr/>
Balance due county,.....	\$384.03

*Pawnee County.*

To levy, &c. (per auditor's report),.....	\$83.12
By apportionment for 243 youth,.....	540.65
	<hr/>
Balanced ue county,.....	\$457.53

*Platte County.*

To levy, &c. (per auditor's report),.....	\$47.89
By apportionment for 153 youth,.....	340.41
	<hr/>
Balance due county,.....	\$292.52

*Richardson County.*

To levy, &c. (per auditor's report),.....	\$408.79
By apportionment for 803 youth,.....	1,786.59
	<hr/>
Balance due county,.....	\$1,377.80

*Sarpy County.*

To levy, &c. (per auditor's report),.....	\$1,069.60
By apportionment for 357 youth,.....	794.29
	<hr/>
Balance due school fund,.....	\$275.31

*Washington County.*

To levy, &c. (per county treasurer's report),.....	\$787.48
Interest collected, .....	57.13
Delinquent taxes from Dodge county, .....	70.19
	<hr/>
Carried forward, .....	\$914.80

Wednesday, January 9th, 1861.

Brought forward,.....	\$914.80	
Draft on treasurer Dodge county,.....	144.00	
		\$1,058.80
By apportionment for 414 youth, .....	\$921.11	
Draft in favor of Dodge county, .....	61.51	
		982.62
Balance due school fund,.....		\$76:18

In Burt county, owing to an error in the assessment, no taxes were collected.

In Clay county an enumeration of youth was made, but no taxes were levied.

In Cedar county the clerk failed to make any returns.

In Otoe county the county commissioners reduced the territorial school tax to  $1\frac{1}{2}$  mills; the full amount was, however, charged to the county.

## REVENUE FOR 1860-61.

Territorial school tax, levied for the current year, is charged to the several counties, according to the equalized assessments, as follows:

Burt county,.....	\$153.68
Cass,.....	1000.00
Cedar,.....	38.10
Dakota,.....	156.30
Dixon, .....	30.43
Dodge, .....	80.64
Douglas, .....	1000.00
Gage,.....	47.12
Johnson, .....	61.43
Nemaha, .....	700.00
Otoe, .....	1491.35
Pawnee,.....	106.65
Platte,.....	55.25
Richardson, ..	500.00
Sarpy,.....	500.00
Washington,.....	431.38
Total, .....	\$652.23

## ENUMERATION

Of youth for the current year is as follows:

	Males.	Females.	Total.
Burt county, .....	60	55	115
Calhoun, .....	10	7	17
Cass, .....	601	504	1106
Cedar, .....	42	36	78
Clay, .....	42	32	74
Cuming,.....	14	15	26
Dakota, .....	170	130	300



Dixon county, .....	35	42	77
Dodge, .....	44	43	87
Douglas, .....	452	437	889
Gage, .....	98	32	120
Johnson, .....	73	51	124
Nemaha, .....	491	426	917
Otoe, .....	625	597	1222
Pawnee, .....	128	121	249
Richardson, .....	336	293	629
Sarpy, .....	197	196	393
Washington, .....	253	200	453
Platte, .....	92	61	153
Total, ....	3763	3278	7041

This Report should have been sent to the legislature at the commencement of the session, with the reports of other territorial officers; it however, could not be done, as almost all the county returns upon which to base a general report, were not made until the expiration of the time allowed by law, and many of them not until after that day—the 20th of December. The reports from Sarpy county did not reach my office until after January 1st, and part of the Douglas county reports were not received until yesterday, (January 7th.) The necessity of a modification of the law, so as to require reports to be made to this office in time for the Annual Reports to be made at the beginning of the session, is apparent to all and needs no argument from me in its favor.

I have found, in many cases, such a vagueness exists in the law bearing upon the subject that justices of the peace, and other officers whose duty is to collect fines and other moneys belonging to the school fund, either neglect their duty in collecting the fines, or, having collected them, make no returns to the proper officers, and the amounts are consequently lost to the school fund. All justices of the peace, and clerks of courts, should be by law compelled to make reports at stated times, and to pay over to the proper officers, all moneys collected by them, under a penalty for neglect,

A law, approved January 13th, 1850, requires the territorial commissioner to investigate the official acts, and settle the accounts of former county superintendents. This act needs some amendments. In the investigation of the accounts of some of the former superintendents, I have found evidences of their having received nearly nine hundred dollars (\$900) for the expenditure of which I can find no vouchers. The district attorneys have declined to prosecute these cases, because there are no fees for the service provided by law. If I had the authority to employ counsel to prosecute, or if fees were provided for the district attorneys, the sum above named *could be secured*.

There should be some more certain means devised for the collection of the revenue arising from fines, etc. In one of the counties, a fine was imposed of \$200, which belongs to the school fund, but which we are unable to collect, because the county has no jail in which to confine the defendant, and he has no property in his own name which can be taken. He offers, however, if a bond and mortgage upon real estate

will be taken, to secure the payment of the fine, and interest at 10 per cent per annum (payable semi-annually). If this arrangement could be made, this fine and other amounts due the school fund might be recovered, otherwise we shall never get them.

There appears to be an indefiniteness in the license laws, which gives room for conflict between the city and county authorities. As for instance, the Board of Aldermen at Nebraska city, for the year 1859, authorized the city treasurer to receive the "city scrip" for license fees, against, at least, the implied intent of the law. This scrip is worth from twenty-five to thirty cents on the dollar, and the city declines being responsible to the school fund for its par value.

The necessity for having a volume of the school laws printed for the use of school officers in the territory, is sufficiently set forth by the difficulty they have found in performing their duties. Soon after I assumed the duties of my office, I prepared a volume with notes, explanations, instructions and forms, and advertised for proposals for printing it. R. W. Furnas, of Brownville, being the lowest bidder, the work was awarded to him. Before it was sent to the printer, however, the discovery was made by several legal minds, that the law had no provision for defraying the expense, although my views at that time were that any law requiring work of that character to be done, necessarily carried with it the authority to pay for it. However, as it would have involved a law suit, and much delay in getting the laws into the hands of the people, and the necessity for amendments were becoming more and more apparent, I abandoned the idea of publication at that time, and now present the laws with a full set of marginal notes, forms, etc., as a part of this report, and earnestly request the passage of an order for their immediate publication.

#### SCHOOL LANDS.

In accordance with the "Act to provide for the selection of lands in lieu of sections 16 and 36, in cases where said sections, or parts thereof, have been sold," approved January 13th, 1860, I have selected in the

##### *Dakota Land District.*

In lieu of School Lands entered.....	3,659	acres.
To supply deficiencies in fractional townships	849	"
Total acres selected.....	4,509	

##### *South Platte Land District.*

In lieu of lands entered.....	3,084.60	acres.
For fractional townships.....	800	"
Total acres selected.....	3,884.60.	

##### *Nemaha Land District.*

In lieu of lands entered.....	960	acres.
To supply fractional townships.....	480	"
Total acres selected.....	1,440	

Total number of acres selected.....	9,833.60
Of which there were reserved in the Nemaha District before my selections were made.	1,280
Total,.....	8,553.60 acres.

My account against the Territory for expenses connected with the selections, was \$262, which was allowed in Territorial warrants, and on which owing to their depreciated value I realized \$150.

Should Congress make an appropriation of school lands in lieu of sections 16 and 36, lying within the Half Breed tract, and fractional townships, as asked for in the memorials of the present Legislature, it will be necessary to select 20,000 acres more.

According to the instructions of the land officers at Washington, the selections had to be made in the same townships in which the deficiency occurred, if practicable, or, if good lands were not to be found therein, then in the adjacent townships. This required much travel, from the fact that the lands lay far apart, in the South Platte land district, as far as 60 miles west from the river.

The work was delayed from the fact that there was no special officer to give it his attention, until the commissioner was required to do so, and in the mean time, the best tracts of land near to those for which selections were to be made, had nearly all been taken up. The consequence was that a surveyor had to be employed, and a careful examination of the vacant land made, before we were allowed to record the selections. I believe that the selections which I have made are of the best lands that could be found, and that they will be of great benefit to the school fund of the Territory.

I again call the earnest attention of the Legislature to the fact that very many entries of school lands which have been made, are fraudulent and can be easily broken if proper authority is given to call and pay witnesses, and to pay an attorney.

There is no question in my mind of the illegality of a number of the entries in each of the land districts, and had I the power to compel the attendance of witnesses, I am sure that I can prove enough to cause the cancellation of almost all of them, and which, if we could secure them, would be of vastly more value than the selections made in lieu of them, which would of course, be erased from the Plat Books on the cancellation of the entries.

An eighty acre tract near Nebraska city, worth at least one hundred dollars per acre had been entered fraudulently, but by the exertions of Wm. R. Craig, while superintendent of schools in Otoe county, through the instrumentality of Messrs. Young & Niles, of Washington city, the entry was cancelled, and this valuable tract recovered to the school fund. I will here remark, that the firm above alluded to, acted upon a contract with the superintendent of Otoe county, and were promised a fee of three hundred dollars if successful. Their bill has never been paid, and, as it is eminently a just one, I would recommend that an appropriation be made to pay it.

All of which is, with the accompanying documents, respectfully submitted.

W. E. HARVEY, Commissioner.

Wednesday, January 9th, 1861.

Mr. Davis of Cass, offered the following:

Resolved, That two thousand copies of the School Commissioner's report, together with the school laws and accompanying documents, be printed and distributed under the supervision of the School Commissioners, equally among the several school officers in the Territory.

On motion,  
Resolution adopted.

The Committee on Engrossed and Enrolled Bills report as correctly enrolled the following bills:

H. F. No. 22. "An act for the location of the county seat of Cass county, by a vote of the people."

And,

H. F. No. 75, "Joint resolution and memorial relative to certain lands claimed by the War Department as the Fort Kearney reservation."

And that the same have this day been presented to the Governor for his approval."

H. W. PARKER, Chairman.

Mr. Lockwood of Dakota, moved that

H. F. No. 64, "A bill for an act providing for the settlement of estates of decedents, and for other purposes,"

Be taken up.

Carried.

COUNCIL CHAMBER,  
January 9th, 1861. }

*Mr. Speaker:*

I am instructed to inform your honorable body, that the Council have passed:

C. B. No. 95, "An act to consolidate certain actions in the district court,"

And respectfully ask your concurrence therein.

I also return to your honorable body

H. F. No. 136, "An act to amend an act entitled 'An act to authorize the election of supervisors of roads in the county of Sarpy.'" approved January 12th, 1860.

And,

H. F. No. 55, "An act to consolidate the offices of county clerk and register of deeds in Sarpy county,"

With certain amendments attached to each bill, and ask your concurrence therein.

I also return you

H. F. No. 50, "A bill for an act creating the office of Precinct Assessor."

And.

H. F. No. 73, "A bill for an act to allow the funding of the indebtedness of the Territory."

And,

H. F. No. 97, "A bill for an act to regulate the disposal of the road fund and to further define the duties of supervisors."

And,

H. F. No. 163, "A bill for an act to authorize James S. Allen, his associates, heirs and assigns, to erect a mill dam across Buffalo creek, Sarpy county."

And,

H. F. No. 167, "Joint resolution and memorial asking an appropriation to construct a bridge across the Platte river,"

And,

H. F. No. 132, "A bill for an act to incorporate the Platte river bridge company,"

And,

H. F. No. 79, "A bill for an act supplemental to an act to incorporate the city of Rulo," approved Nov. 1st, 1858,

And,

H. F. No. 91, "A bill for an act to amend the Code of Civil Procedure."

And,

H. F. No. 172, "A bill for an act to authorize H. W. Parker and E. C. Austin to erect a mill-dam and bridge across Big Sandy river in Jones county."

And,

H. F. No. 20, "A bill for an act to authorize Felix Kitch to keep a ferry across the Missouri river at Rulo,"

And,

H. F. No. 174, "A bill for an act regulating the time of holding courts in the counties of Pawnee, Johnson, Clay and Gage,"

The same having passed the Council without amendment.

E. P. BREWSTER, Chief Clerk.

Message from the Governor:

EXECUTIVE CHAMBER,  
January 9th, 1861. }

*Mr. Speaker :*

And Gentlemen of the House of Representatives,

I am instructed by the Governor to return to your honorable body:

"An act to provide for the distribution of the arms belonging to the Territory of Nebraska, and for other purposes,"

And to announce the following message embodying his objections thereto:

JOHN McCONIHE, Private Secretary.

*Gentlemen of the House :*

The bill for distribution of arms is not equitable. A specified preference is given to seven counties by name, and all others are omitted. A double distribution is made to Dakota county, while such counties as Pawnee, Richardson, Johnson, Gage, Jones, Lancaster, Clay, Hall, Buffalo, Kearney, Dixon, Cedar, L'eau-qui-Court, Dodge, Burt, Washington, Platte, &c., are all left out of the distribution: in a word, amongst those omitted counties, is every frontier county of Territory, the very counties in which the protection of the people demands a fair distribution of equipments and arms.

Wednesday, January 9th, 1861.

There are other objections to the bill which I have not time to enumerate. I respectfully suggest, and I hope without violating propriety, that a law for the organization of independent volunteer companies is very much required, particularly in those counties exposed to Indian depredations.

SAMUEL W. BLACK,  
Governor of Nebraska.

The question now was, "Shall the bill pass, the Governor's veto to the contrary notwithstanding?"

Ayes and nays demanded.

Ayes—Messrs. Baker, Barnum, Cavins, Clark, Cowles, Davidson, Davis, Downs, Fisher, Fowler, Gilmour, Hacker, Hedde, Lowe, Mathias, Mullen, Reed and Sollenberger.—18.

Nays—Messrs. Beane, Chase, Cleburne, Coleman, Cotterell, Gates, Grebe, Griffin, Hyde, Millard, Porter, Sibley and Whaley.—13.

Two-thirds not having voted in the affirmative, the bill was not passed.

Mr. Clark of Douglas, moved that

C. B. No. 64, "A bill for an act providing for the settlement of the estates of decedents and for other purposes,"

Be indefinitely postponed.

Lost.

The minority of the special committee to which was referred

C. B. No. 47, "A bill for an act authorizing the county commissioners of Sarpy county to issue bonds for certain purposes,"

Would report that he has had the same under consideration, and recommends its passage without amendment.

AMOS GATES.

The majority of the special committee to which was referred

C. B. No. 47, "A bill for an act authorizing the county commissioners of Sarpy county to issue bonds for certain purposes,"

Report that they have had the same under consideration and recommend the insertion of the following amendments in said bill:

Add to section 1, "Provided that an election shall be first held in the several voting precincts of said county of Sarpy on the 1st day of February, A. D. 1861, for purpose of determining whether a majority of the people of said county are in favor of issuing said bonds. The county commissioners shall give at least seven days' notice of such election in the several precincts, and shall cause to be posted in each precinct a copy of this act."

"The judges and clerks of the last annual election shall be the judges and clerks of said election: Provided, however, that the board shall have power to fill any vacancy therein by appointment. The polls shall be open from 9 o'clock A. M. to 4 o'clock P. M."

The ballots shall be in the following forms:

"For issuing bonds." "Against issuing bonds."

The election aforesaid shall, in all respects, not inconsistent with this

act, be conducted according to the provisions of the laws now in force in regard to elections.

The judges or clerks of such election shall receive no pay for such service, provided however, the messenger who shall carry the returns to the county seat shall be entitled to his mileage.

The county commissioners shall meet on the eighth day of February, A. D. 1861, to canvass the votes cast at said election, and if on such canvass it shall appear that a majority of the legal votes cast at such election shall be "for issuing bonds," then it shall be the duty of the county commissioners to issue said bonds, otherwise neither the bonds aforesaid, nor those provided for in section 2, shall be issued.

WILLIAM CLEBURNE,  
JAMES DAVIDSON.

Mr. Lowe of Douglas, moved that the minority report be adopted.  
Carried.

Mr. Cleburne of Sarpy, moved to reconsider the vote by which the minority report was adopted.

Lost.

Message from the Council:

COUNCIL CHAMBER, }  
January 9th, 1861. }

*Mr. Speaker :*

. I am instructed to inform your honorable body, that the Council have passed

C. B. No. 51, "A bill to incorporate the Brownville, Nemaha valley, Fort Kearney and Denver city rail road company."

I am also instructed to return to your honorable body

H. F. No. 158, "An act to incorporate the Chicago, Plattsmouth and Pike's Peak express company,"

And,

H. F. No. 84, "A bill for an act to legalize certain elections of county officers in Hall county,"

And,

H. F. No. 124, "An act to authorize John A. Burbank to erect a mill dam across the Great Nemaha river,"

And,

H. F. No. 138, "An act to incorporate the Presbyterian church at Omaha."

The same having passed the Council without amendment.

I also return to the House

H. F. No. 63, "A bill for an act to locate and establish a territorial road from Dakota city to Fort Kearney,"

And,

H. F. No. 112, "Joint resolution for the relief of George D. Thayer and Harman Hartman."

The same having passed the Council with certain amendments attached thereto.

I am also requested to inform your honorable body that the Council have refused to concur in the amendments made by the House to

C. B. No. 69, "Joint resolution to pay Joseph J. Unthank for his services as page of the Council." E. P. BREWSTER, Chief Clerk.

C. B. No. 47, "A bill for an act authorizing the commissioners of Sarpy county to issue bonds for certain purposes."

Read third time.

Ayes and nays demanded upon its passage.

Ayes—Messrs. Baker, Barnum, Beane, Cavins, Chase, Clark, Coleman, Cotterell, Cowles, Downs, Gates, Hacker, Hedde, Hyde, Lockwood, Lowe, Mullen, Porter, Reed, Sibley and Sollenberger.—21.

Nays—Messrs. Cleburne, Davidson, Davis, Fisher, Gilmour, Grebe, Griffin and Mathias.—8.

Bill passed.

On motion,

Title agreed to.

On motion of Mr. Mullen of Cass,

The House receded from its amendments to

C. B. No. 69, "Joint resolution to pay Joseph J. Unthank for his services as page of the Council."

Mr. Mullen of Cass, moved that the House concur in the amendments of the Council to

H. F. No. 112, "Joint resolution for the relief of George D. Thayer and Harman Hartman."

Ayes and nays were demanded:

Ayes—Messrs. Baker, Beane, Cavins, Chase, Cleburne, Coleman, Cotterell, Cowles, Downs, Fisher, Grebe, Griffin, Hacker, Hyde, Parker and Sibley.—16.

Nays—Messrs. Barnum, Davidson, Davis, Gates, Gilmour, Hedde, Lockwood, Lowe, Mathias, Millard, Mullen, Porter, Reed, Sollenberger and Whaley.—15.

Carried.

Mr. Cleburne of Sarpy, introduced

H. F. No. 181, "A bill to regulate the toll of millers."

Read first time.

On motion,

Rules suspended, and bill read second and third time.

Passed and title agreed to.

The Committee on Engrossed and Enrolled Bills report, that they have this day presented to His Excellency the Governor, the following enrolled bills:

H. F. No. 39, "An act to define the powers and duties of county commissioners and county clerks,"

And,

H. F. No. 119, "An act to vacate a part of Front street in the town of Beatrice, Gage county,"



And,

H. F. No. 120, "Memorial and joint resolution relative to a mail route,"

And,

H. F. No. 107, "An act to locate a territorial road from Nebraska city to Fort Kearney." H. W. PARKER, Chairman.

Mr. Lockwood of Dakota, introduced

H. F. No. 182, "A bill for an act to provide for special terms of the supreme court."

Read first time.

On motion,

Rules suspended, and bill read second and third time.

Passed and title agreed to.

C. B. No. 95, "An act to consolidate certain actions in the district court."

Read first time.

On motion,

Rules suspended, and bill read second and third time.

Passed and title agreed to.

The special committee composed of the members from Douglas county, to which was referred

H. F. No. 126, "An act to incorporate the Omaha gas company,"

Have had the same under consideration, and recommend its passage with the following amendments:

In section 1, insert the following names: "Enos Lowe, Francis Smith, Andrew J. Hanscom, Augustus Kountze, John McCormick, Joseph H. Millard, James Megeath, Jno. R. Meredith, O. P. Hurford, T. H. Robertson, E. D. Webster and Joel T. Griffin."

In section 2, add: "Provided said company shall have the requisite gas works completed, and be fully prepared to supply said city of Omaha with gas, within four years from the passage of this act, otherwise this charter shall be void."

Amend section 4, so as to read, "William F. Sweezy, Enos Lowe and Joseph H. Millard, be and are hereby appointed commissioners."

Amend title, so as to read "Omaha gas light and coke company."

Also the same change in section one.

EZRA MILLARD,  
M. H. CLARK,  
JOEL T. GRIFFIN,  
SAM'L. A. LOWE,  
HENRY GREBE.

Report adopted, and

Bill ordered to be engrossed.

H. F. No. 48, "A bill for an act concerning acknowledgments and conveyances of real estate."

Read third time.

On motion,

Passed and title agreed to.

H. F. No. 63, "A bill for an act to locate and establish a territorial road from Dakota city to Fort Kearney."

Was taken up.

On motion of Mr. Lockwood of Dakota,

The House concurred in the amendments of the Council to said bill.

C. B. No. 51, "A bill for an act to incorporate the Brownville, Ne-maha Valley, Fort Kearney and Denver city rail road company."

Read first time.

On motion,

Rules suspended, and bill read second time by title and referred to the Committee on Corporations.

The Committee on Agriculture to which was referred

H. F. No. 183, "A bill for an act to provide for an estray law."

Recommend the passage of the bill with certain amendments attached thereto.

JOEL T. GRIFFIN, Chairman.

H. F. No. 153, "A bill for an act to provide for the more speedy administration of justice in certain cases."

Ordered printed.

H. F. No. 176, "A bill for an act to amend an act entitled 'An act providing for the better regulations of schools in Nebraska,' approved Nov. 4, 1860.

And,

"An act to amend an act for the better regulations of schools in Nebraska," approved Nov. 4, 1858.

Were ordered engrossed for a third reading to-morrow.

Call of the House demanded.

Absent—Messrs. Baker, Gates and Tisdell.

Mr. Griffin of Douglas, moved that the Sergeant-at-Arms be dispatched after absentees.

Carried.

On motion of Mr. Mathias of Otoe,

All further proceedings under the call were dispensed with.

Message from the Executive:

EXECUTIVE CHAMBER,  
January 9th, 1861. }

*Mr. Speaker :*

And Gentlemen of the House of Representatives:

I am directed by the Governor to inform your honorable body that he has signed and approved

"A joint resolution and memorial relative to certain lands claimed by the war department as the Fort Kearney reservation;"

And,

"An act to vacate a part of Front street in the town of Beatrice, Gage county;"

And,

“ Memorial and joint resolution relative to a mail route;”

And,

“ An act to locate and establish a territorial road from Nebraska City to New Fort Kearney;”

And,

“ An act regulating the fees and salaries of certain officers;”

And,

“ An act to locate and establish a territorial road from Fontenelle, in Washington county, to the northern boundary of said county;”

And,

“ An act to restrain sheep and swine from running at large within the limits of Pawnee county.” JOHN MCCONIHIE, Private Secretary.

The Committee on Engrossed and Enrolled Bills report that they have this day presented the following bills to the Governor for his approval, they having been correctly enrolled:

H. F. No. 124, “An act to authorize John A. Burbank to erect a mill dam across the Great Nemaha river in Richardson county;”

And,

H. F. No. 132, “An act to incorporate the Platte river bridge company;”

And,

H. F. No. 139, “An act to amend an act entitled ‘An act to amend an act entitled an act to incorporate the town of Pawnee city;’”

And,

H. F. No. 91, “An act to amend the Code of Civil Procedure.”

H. W. PARKER, Chairman.

Message from the Council:

COUNCIL CHAMBER,  
January 9th, 1861. }

*Mr. Speaker :*

I am instructed to inform your honorable body that the Council have passed:

C. B. No. 97, “A bill for act to change the geographical limits of the city of Bellevue in Sarpy county.”

C. B. No. 96, “An act to incorporate the Nebraska city, Fort Kearney and Denver city freight and express company.”

C. B. No. 77, “A bill for an act to incorporate the Nemaha Agricultural society of Richardson county.”

And respectfully ask your concurrence therein.

I also return you

H. F. No. 178, “An act to fix the times of holding the district court in the third judicial district,”

The same having passed the Council without amendment.

E. P. BREWSTER, Chief Clerk.

C. B. No. 64, “A bill for an act for the settlement of the estate of decedents, and for other purposes.”

Read third time.

On motion of Mr. Lockwood of Dakota,

Bill passed and title agreed to.

On motion of Mr. Downs of Otoe, the House took a recess until 6½ o'clock P. M.

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*Evening Session—6½ o'clock P. M.*

House met.

The Committee on Engrossed and Enrolled Bills reported

H. F. No. 126, "A bill for an act incorporate the Omaha gas light company,"

As correctly engrossed.

Mr. De Puy of Washington, introduced

H. F. No. 184, "A bill for an act confirm the official acts of the county commissioners of Dodge county, and for other purposes."

Read first time.

On motion,

Rules suspended and bill read second and third times.

Passed and title agreed to.

H. F. No. 77, "A bill for an act to incorporate the Nemaha Agricultural Society of Richardson county."

Read first time.

On motion,

Rules suspended, and bill read second and third time.

Passed and title agreed to.

Mr. Baker of Nemaha, introduced

H. F. No. 185, "A bill for an act in relation for a stay law."

Read first time.

On motion,

Rules suspended, and bill read second and third time.

Passed and title agreed to.

C. B. No. 96, "An act to incorporate the Nebraska city, Fort Kearney and Denver city freight and express company."

Read first time.

On motion,

Rules suspended, and bill read second and third time.

Passed and title agreed to.

Message from the Council:

COUNCIL CHAMBER,  
Jan. 9th, 1861. }

*Mr. Speaker :*

I am directed to inform your honorable body that the Council have passed

C. B. No. 76, "An act for the relief of King & Wood."

And your concurrence therein is requested.

E. P. BREWSTER, Chief Clerk.

H. F. No. 126, "An act to incorporate the Omaha gas light and coke company."

Bill read third time.

On motion.

Passed and title agreed to.

Mr. Griffin of Douglas, moved to reconsider the vote by which

H. F. No. 144, "An act for the distribution of the arms belonging to the Territory of Nebraska,"

Failed to pass over the Governor's veto.

Carried.

Call of the House demanded.

Absent—Messrs. Cotterell, Fowler, Grebe, Lockwood, Mead, Reddick, Tisdell and Whaley.

Mr. Mathias of Otoe, moved that the Sergeant-at-Arms be dispatched after absentees.

Carried.

On motion of Mr. Cowles of Otoe,

All further proceedings under the call dispensed with.

Question recurring upon the question,

"Shall the bill pass, the Governor's veto to the contrary notwithstanding?"

The ayes and nays were demanded.

Ayes—Messrs. Baker, Barnum, Beane, Cavins, Cowles, Davidson, Davis, Downs, Fisher, Gilmour, Griffin, Hacker, Hedde, Lowe, Mathias, Millard, Mullen, Parker, Reed, Sibley and Sollenberger.—21.

Nays—Messrs. Cleburne, Gates, Hyde, Lockwood, Mead and Porter.—6.

The Speaker decided that two thirds of the whole house not having voted in favor of the bill it was

Lost.

Mr. Cowles of Otoe appealed from the decision.

Question now was "Shall the decision of the chair stand as the sense of the House?"

Lost.

So the bill was passed.

C. B. No. 76, "A bill for an act for the relief of King & Wood."

Read first time.

On motion.

Rules suspended and bill read second time by its title.

The committee of conference, of the two Houses, to which was referred the matter of disagreement of the same in relation to the

"Bill for an act to amend an act entitled 'An act to license and regulate the sale of malt, spiritous and vinous liquors in the Territory of Nebraska,' approved November 4th, 1858.

Report that they have had the same under consideration and recom-

mend that in the fifteenth line of section two of the amendment of the House strike out the word "two" before "hundred" and insert "one," and recommend its passage.

W. F. LOCKWOOD,  
A. G. CAVINS, House.  
E. S. DUNDY,  
T. W. TIPTON, Council.

Mr. Mathias of Otoe, moved that a committee of three be appointed to inform the Council that the House is ready to go into joint convention for the purpose of electing certain military officers.

Carried.

Messrs. Mathias, Cleburne and Parker were appointed.

Mr. Lockwood of Dakota, moved to take up

H. F. No. 6, "A bill for an act to abolish the office of territorial school commissioner."

Carried.

Call of the House demanded.

Absent—Messrs. Barnum, Cavins, Chase, Clark, Cotterell, Cowles, Davidson, Fisher, Hedde, Mathias, Mead, Millard, Mullen, Parker, Reed, Sibley and Whaley.

Mr. Sollenberger of Otoe, moved that all further proceedings under the call be dispensed with.

Carried.

Mr. Cleburne of Sarpy, moved to adjourn.

Lost.

Call of the House demanded.

Absent—Messrs. Cavins, Chase, Clark, Cotterell, Fowler, Mead, Millard, Reed and Whaley.

On motion of Mr. Cowles of Otoe,

All further proceedings under the call were dispensed with.

Mr. Fisher of Nemaha, moved that the House concur in the amendment of the council to the "bill to abolish the office of school commissioner."

Mr. Downs of Otoe, moved to adjourn.

Lost.

Question recurring upon the motion to concur.

Carried.

On motion.

The House at 9 o'clock P. M. adjourned.

GEO. L. SEYBOLT, Chief Clerk.

HOUSE OF REPRESENTATIVES,  
Thursday, January 10th, 1861. }

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Journal read and approved.

Mr. Downs of Otoe, on leave introduced

H. F. No. 186, "A bill for an act to exempt a certain amount of property."

Read the first time.

On motion,

Rules suspended, read second time by its title.

Mr. Davidson of Sarpy, moved to amend sec. 1, by striking out "single men over the age of twenty-one years."

Upon which ayes and nays were demanded with the following result:

Ayes—Messrs. Barnum, Cavins, Clark, Cleburne, Cowles, Davidson, Downs, Gates, Gilmour, Grebe, Griffin, Hedde, Hyde, Matthias, Millard, Mullen, Parker Porter, Reddick and Sollenberger.—20.

Nays—Messrs. Baker, Beane, Chase, Coleman, Cotterell, Davis, Fisher, Fowler, Hacker, Lockwood, Lowe, Mead, Millard, Reed, Tisdell and Whaley.—16.

The amendment was adopted.

Mr. Matthias of Otoe, moved to amend by inserting after the word "houses" in sec. 1, the following: "Subject to exemption as a homestead under the laws of this Territory."

Amendment adopted.

Mr. Reddick of Douglas, moved to amend by adding the following new sections:

Sec. 2. Any person desiring to avail himself of the exemption as provided for in the preceding section, must file an inventory under oath, in the court where the judgment is obtained, or with the officer holding the execution of the whole of the personal property owned by him or them, and it shall be the duty of the officer to whom the execution is directed, to call to his assistance three disinterested freeholders of the county where the property may be, who after first being duly sworn by said officer shall appraise said property at its cash value.

Sec. 3. Upon such inventory and appraisal being completed the defendant in execution, or his authorized agent, may select from such inventory an amount of such property, not exceeding according to such appraisal, the amount or value herein exempted; but if neither such defendant nor his agent shall appear and make such selection, the officer shall make the same for him.

Sec. 4. Nothing in this act shall be considered as exempting any real or personal property from levy and sale for taxes.

On motion.

Adopted.

On motion,

The bill was ordered engrossed for a third reading.

Mr. Reddick of Douglas, on leave, introduced

H. F. No. 187, "A bill for an act to amend the Code of Civil Procedure."

Read first time,

On motion,

Rules suspended, read a second time by its title.

Mr. Baker of Nemaha, moved to amend by striking out "four" and inserting "three" in section 2.

On motion of Mr. Lockwood of Dakota,

The rules were suspended, the bill by its title read a third time.

On motion,

Passed and title agreed to.

Mr. Gilmour of Cass, chairman of the Committee on Corporations submitted the following report:

*Mr. Speaker:*

Your Committee on Corporations have had under consideration

C. F. No. 51, "A bill for an act to incorporate the Brownville, Nemaha valley, Fort Kearney and Denver city rail road,"

And recommend it do not pass.

WM. GILMOUR,  
FRED. HEDDE,  
S. P. SIBLEY.

Report adopted.

C. B. No. 57, "A bill for an act to incorporate the Brownville, Nemaha valley, Fort Kearney and Denver city rail road company,"

Taken up,

Mr. Baker of Nemaha, moved to strike out sec. 22.

Carried.

On motion,

The further consideration of the bill was postponed.

C. B. No. 76. "A bill for an act for the relief of King & Wood."

Read second time.

Mr. Hyde of Burt, moved that the bill be referred to the Committee on Accounts and Expenditures with instructions to report this afternoon at 3 o'clock.

Mr. Baker of Nemaha, moved that the committee be authorized to take testimony, and for that purpose have power to send for persons and papers.

Not entertained.

Mr. Matthias of Otoe, moved to amend the motion to refer, by inserting to-morrow morning at 10 o'clock.

Mr. Cowles of Otoe, moved to lay the bill on the table.

Upon which the ayes and nays were demanded with the following result:

Ayes—Messrs. Baker, Beane, Cowles, Fisher, Lockwood, Mathias, Mullen, Parker, Sollenberger and Whaley.—10.



**Nays**—Messrs. Barnum, Cavins, Clark, Cleburne, Coleman, Cotterell, Davis, Downs, Gates, Gilmour, Grebe, Griffin, Hacker, Hedde, Hyde, Lowe, Mead, Millard, Porter, Reddick, Reed and Tisdel.—22.

The motion to lay on the table was

Lost.

The question occurring on the motion to postpone until 10 o'clock to-morrow morning.

The ayes and nays were demanded, with the following result:

**Ayes**—Messrs. Baker, Beane, Cavins, Coleman, Cowles, Davidson, Downs, Fowler, Lockwood, Mathias, Mullen, Parker, Sibley, Sollenberger and Whaley.—15.

**Nays**—Messrs. Barnum, Clark, Coleman, Cotterell, Davis, Gates, Gilmour, Grebe, Griffin, Hacker, Hedde, Hyde, Lowe, Mead, Millard, Porter, Reddick, Reed and Tisdel.—19.

The motion to postpone until this afternoon was withdrawn.

Mr. Parker of Clay, Chairman of the Committee on Engrossed and Enrolled Bills, submitted the following report:

*Mr. Speaker :*

Your Committee on Engrossed and Enrolled Bills report that they have this day passed to the Governor for his signature, correctly enrolled, the following bills:

H. F. No. 146, "An act to restrain swine from running at large in the counties of Johnson and Clay."

H. F. No. 49, "An act to confirm the title of Thomas Martin and James N. Coriell to certain real estate in the city of Omaha, Nebraska Territory."

H. W. PARKER, Chairman.

Mr. Mathias of Otoe, moved that the House take a recess until 2 o'clock P. M.

Lost.

Mr. Mathias of Otoe, moved that the further consideration of said bill be postponed.

Lost.

Mr. Cleburne of Sarpy, moved the previous question.

Not seconded.

Mr. Clark of Douglas, moved that the bill be read a third time and put upon its passage.

Upon which

The ayes and nays were demanded, with the following result:

**Ayes**—Messrs. Clark, Cleburne, Cotterell, Gates, Gilmour, Grebe, Griffin, Hedde, Hyde, Lowe, Mead, Millard, Porter, Reddick and Reed.—15.

**Nays**—Messrs. Baker, Barnum, Beane, Cavins, Chase, Coleman, Cowles, Davidson, Fowler, Hacker, Lockwood, Mathias, Mullen, Parker, Sibley, Sollenberger, Tisdell and Whaley.—18.

The motion to suspend the rules was  
Lost.

Mr. Mathias of Otoe moved that the House take a recess until 2 o'clock P. M.

Carried.

*Afternoon Session—2½ o'clock P. M.*

The House met.

Mr. Mathias of Otoe, on leave, introduced

H. F. No. 188, "A bill for an act to amend 'An act to consolidate Nebraska city, South Nebraska and Kearney city,' " approved Dec. 21, 1857.

Read the first time.

On motion,

Rules suspended, read a second and third time by its title.

On motion,

Passed and title agreed to.

Mr. Mathias of Otoe, from special committee, submitted the following report:

*Mr. Speaker :*

Your special committee to whom was referred

C. F. No. 72, "A bill for an act to confirm the title to real estate in Nebraska city,"

Report the same back without amendment and recommend its passage.

ALFRED MATHIAS,  
A. G. CAVINS,  
S. P. SIBLEY.

The following message was received from the Council:

COUNCIL CHAMBER,  
January 10th, 1861. }

*Mr. Speaker :*

I am instructed to inform your honorable body that the Council has passed:

C. B. No. 90, "Joint resolution relative to public printing."

"Joint resolution in favor of Robert S. Knox."

C. B. No. 98, "An act defining the duties of judges of the district court in certain cases."

C. B. No. 52, "A bill for an act to dissolve the bonds of matrimony between Jennie Higgins and James A. Higgins."

And respectfully ask your concurrence therein.

I also return you herewith

H. F. No. 155, "An act to confirm the title of Henry Brown to certain real estate in the city of Omaha, Nebraska."

H. F. No. 166, "An act to legalize the tax levy of 1860, in Douglas county, Nebraska."

H. F. No. 42, "An act to amend an act entitled 'An act to exempt the homestead and certain articles of personal property from forced sale on execution.'"

H. F. No. 134, "A bill for an act to amend an act entitled 'An act for opening, repairing and locating county roads,'" approved January 26, 1856.

H. F. No. 173, "A bill to authorize John C. Wood and others, to keep and maintain a mill dam across the north fork of the Great Nemaha river in Pawnee county."

H. F. No. 144, "A bill for an act to authorize E. Hicks, Clark and James R. Anderson to keep a ferry across the Missouri river at Fort Calhoun."

H. F. No. 94, "A bill to locate a territorial road from St. Johns to Ionia, Nebraska."

H. F. No. 162, "Joint memorial and resolution relative to a land grant for the growing of timber thereon."

The same having passed the Council without amendment.

I also return herewith

H. F. No. 29, "An act to regulate the manner of assessing real estate."

Also,

H. F. No. 58, "An act to provide for the copying the journals of the Council and House of Representatives of the 7th session of the Territorial Assembly of Nebraska,"

With certain amendments attached thereto, and respectfully ask your concurrence in the same amendments.

I am also directed to inform your honorable body that the Council have concurred in amendments made by the House to

C. B. No. 84, "A bill to amend the charter of the city of Omaha,"

And that they failed to pass

"An act to provide for the distribution of the arms belonging to the Territory of Nebraska, and for other purposes,"

Over the Governor's veto.

E. P. BREWSTER, Chief Clerk.

C. B. No. 99, "Joint resolution in favor of Rob't S. Knox."

Read the first time.

The rules were suspended, the joint resolution by its title read a second time and referred to the Committee on Accounts and Expenditures.

Mr. Parker of Clay, chairman of the Committee on Engrossed and Enrolled Bills, submitted the following report:

*Mr. Speaker:*

Your committee, to whom was referred

H. F. No. 176, "A bill to amend an act entitled 'An act providing for the better regulation of schools in Nebraska,'" approved, November 4th, 1858.

Also,

"An act entitled 'An act to amend an act for the regulation of schools in Nebraska,'" approved January 13th, 1860.

Also,

H. F. No. 186, "A bill for an act to exempt a certain amount of property."

Correctly engrossed.

H. W. PARKER, Chairman.

Mr. Parker of Clay, chairman of the Committee on Engrossed and Enrolled Bills, submitted the following report:

*Mr. Speaker:*

Your Committee on Engrossed and Enrolled Bills report that they have this day presented to the Governor for his approval, correctly engrossed

H. F. No. 16, "An act to authorize James S. Allan to erect and keep a mill dam across Buffalo creek in the county of Sarpy."

H. F. No. 84, "An act to legalize the election of county officers, held in Hall county, on the 11th day of October, 1859, and on the 9th day of October, 1860."

H. F. No. 137, "An act to authorize the county commissioners of Otoe county, to pay off the indebtedness of the Otoe county agricultural society."

H. F. No. 73, "An act to allow the funding of the indebtedness of the Territory."

H. F. No. 6, "An act to create the office of precinct assessor."

H. F. No. 44 and 8, "An act to provide for the valuation and assessment of the real and personal property, and for the levying and collection of taxes in the Territory of Nebraska."

H. F. No. 109, "An act to grant extension of time to the Missouri and Pacific rail road company, and to increase the number of incorporators."

H. F. No. 172, "An act to authorize Hiram W. Parker and E. C. Austin or their assigns, to erect a mill dam and bridge across Big Sandy river in Jones county."

H. F. No. 97, "An act to regulate the disposal of the road fund and further to define the duties of supervisors."

Also,

H. F. No. 112, "Joint resolution for the relief of Geo. D. Thayer and Harman Hartman."

Also,

H. F. No. 178, "A bill for an act to fix the time for holding the district court in the third judicial district." H. W. PARKER, Chairman.

H. F. No. 186, "A bill for an act to exempt a certain amount of property."

Read third time.

Passed and title agreed to.

C. B. No. 52, "A bill for an act to dissolve the bonds of matrimony between Jennie Higgins and James A. Higgins."

Read the first time.

Mr. Griffin of Douglas, moved that the rules be suspended, the bill by its title read a second time.

Mr. Cowles of Otoe, moved to lay the bill on the table, upon which the ayes and nays were demanded, with the following result:

**Ayes**—Messrs. Coleman, Cowles, Gilmour, Mathias, Mullen, Sibley and Sollenberger.—7.

**Nays**—Messrs. Baker, Barnum, Beane, Clark, Cleburne, Davis, Downs, Fowler, Gates, Grebe, Griffin, Hacker, Millard, Parker, Porter, Reddick and Reed.—17.

Motion to lay the bill on the table

Lost.

Bill read second time.

Mr. Reddick of Douglas, moved that the rules be suspended, the bill be read a third time.

Mr. Downs of Otoe, moved to amend by inserting the names of James Pearce and Mary Pearce.

Lost.

The question occurring on the motion to suspend the rules, it was

Lost.

H. F. No. 129, "An act to regulate the manner of assessing real estate."

Taken up.

Mr. Gilmour of Cass, moved that the House do not concur in the amendments proposed by the Council to said bill.

Carried.

C. B. No. 98, "A bill for an act defining the duties of judges of the district court in certain cases.

Read the first time.

The rules were suspended, the bill by its title read a second time.

Mr. Reddick of Douglas, moved to amend section 1 by inserting after the word "in" in fifth line, the word "chancery;" in the sixth line, after the word "litigated," the words "no other," and to strike out all after the word "parties" in tenth line.

Amendment adopted.

The bill read a third time.

Passed and title agreed to.

H. F. No. 176, "A bill for an act to amend an act entitled 'An act providing for the better regulation of schools in Nebraska,'" approved November 4th, 1858.

Also.

"An act to amend an act for the better regulation of schools in Nebraska," approved January 13th, 1860.

Read third time.

Passed and title agreed to.

C. B. No. 90, "Joint resolution relative to public printing."

Read first time.

The rules were suspended, the joint resolution by its title read a second time.

Mr. Reddick moved to amend by striking out the word "requested," and inserting the word "required."

Lost.

Thursday, January 10th, 1861.

Mr. Cowles of Otoe, moved that the rules be suspended, and the bill be read a third time and put upon its passage.

Not entertained.

Mr. Clark of Douglas, moved to amend by adding "provided that the Territory shall in no event be held responsible for the printing of said laws and journals."

Upon which the ayes and nays were demanded with the following result:

Ayes—Messrs. Beane, Clark, Cleburne, Davidson, Gates, Grebe, Griffin, Lowe, Millard and Reddick.—10.

Nays—Messrs. Baker, Barnum, Coleman, Cowles, Davis, Fisher, Fowler, Gilmour, Hacker, Lockwood, Mullen, Parker, Reed, Sibley, Sollenberger and Whaley.—16.

Lost.

Mr. Reddick of Douglas, offered the following as a substitute:

Whereas, It has been customary to print one thousand copies of the journals of the legislature, and one thousand five hundred copies of the laws and joint resolutions passed at each session, and

Whereas, The journals are of comparatively little value, while the demand for the laws can scarcely be supplied; therefore

Be it resolved by the Council and House of Representatives of the territory of Nebraska, That the Secretary of the Territory be, and is hereby requested to print five hundred copies each of the journals, and two thousand five hundred copies of the laws, memorials and joint resolutions, passed during the present session of the legislature.

Mr. Cowles of Otoe, moved to lay the substitute on the table.

Message from the Council:

COUNCIL CHAMBER,  
January 11th, 1861. }

*Mr. Speaker:*

I am instructed to inform your honorable body that the Council have passed without amendment

H. F. No. 182, "A bill to provide for special terms of the supreme court."

H. F. No. 148, "A bill for an act to authorize James Spratlan and Abraham Roberts to keep a ferry across the Missouri river at Rock Bluffs."

H. F. No. 183, "An act to provide for an estray law."

H. F. No. 59, "A bill for an act to create the office of prosecuting attorney, and to abolish the office of district attorney, with the following amendments:

Strike out section "10."

Amend section "13," so as to read

Section 12. "This act shall take effect and be in force from and after its passage."

Also,

C. B. No. 101, "Joint resolution for the relief of L. G. Jeffries,"  
And ask your concurrence therein.

E. P. BREWSTER, Chief Clerk.

Message from the Executive:

EXECUTIVE CHAMBER,  
Omaha, January 10th, 1861. }

*Mr. Speaker:*

And Gentlemen of the House of Representatives:

I am directed by the Governor to return to your honorable body

"An act concerning occupying claimants,"

And to announce the following message giving his reasons therefor.

JOHN MCCONNIE, Private Secretary.

Gentlemen—A serious objection to this bill is a prevailing obscurity in several of its sections. Every law should be as plain as it is possible to make it, so plain that all people of ordinary understanding can tell what it is. I am compelled to confess that some parts of the act now returned are beyond my comprehension. Those whom it may seriously affect will, I think, labor under a like disadvantage.

But there is enough that is intelligible to do more than enough of injustice and evil. A brief examination of the first five sections will serve to show that a dangerous innovation on established principles of law is introduced. It is a wise rule that the owner of the soil owns also whatever in the way of improvements is attached to the freehold.

This rule the act entirely overturns and gives to one who may happen to be in possession of another's land, under mere color of title, an interest in the freehold which is not his, but belongs to another.

The 7th section provides that "any occupant of land, who can show a connected title in law or equity, derived from the records of any public office, or who holds the same by purchase or descent from any person claiming title derived as aforesaid, has color of title within the meaning of this act."

No matter how really worthless and wicked the claim may be, if it is only a connected title, long or short, and is "derived from the records of any public office," no matter what office, "he has color of title within the meaning of this act."

Or if he holds the same by purchase or descent from any person claiming title derived as aforesaid the benefit of the act is extended to him. The truth is the act contemplates that the occupant or person having a color of title has not a good title, and that the good title is in the person seeking possession, and when the court or jury find that the plaintiff is unjustly excluded from the possession of his own land, they are authorized and required to divide the estate between the true owners and the trespassers.

1st. They assess the value of all lasting improvements made on the lands in question, previous to the commencement of the suit. The occupant may have been notified in the most positive manner, that the title was not in him, and that he was a trespasser, yet in the face of all

warning, he can put what improvements he please on the land of another, and the owner is compelled to pay for all of them up to the commencement of the action or lose his land. If the owner sees fit to pay the appraised value of all improvements unlawfully made by the wrong doer, after deducting the value of the rents and profits, he may then take possession of his own property and not till then.

But the iniquity done does not stop here, for the 4th section provides that should he fail to do this after a reasonable time fixed by the court, the defendant may take the property upon paying the appraised value of the land, aside from the improvements; that is, through a power of law, which nobody would venture to call "due process of law," a man's property may be taken from him against his will and be transferred to another.

Not a title in the Territory is safe for one day, and all men stand in jeopardy, every hour unless in *actual* possession of the land which they have purchased and paid for.

Even yet the enormity is not ended, for the sixth section provides that "the purchaser, in good faith, at any judicial sale, or sale for taxes made by the proper person or officer," has color of title, "within the meaning of this act, and the rights of the purchaser shall pass to his assignees or representatives." A judicial sale may be a very unjust thing, so far as the property is concerned, or may not affect the true title at all, or it may be a meresale for taxes, often improperly assessed or levied, yet the purchaser, usually a speculator, is graciously provided for by this act, and enters into possession of all its benefits, under color of title. He need not live on the land he has purchased for the usual nominal price, he can pile on what improvements he please, and being in possession, the defrauded owner except on the hard condition of this most monstrous act.

I have not shown all the wrongs that this bill may lead to. I trust I have shown sufficient to satisfy your "second thought" that it should not become a law.

SAM. W. BLACK, Governor of Nebraska.

The question being, "Shall the bill pass, the Governor's objection to the contrary notwithstanding?"

Call of the House had.

Absent—Messrs. Cotterell, Fowler, Grebs, Hedde, Mead, Tisdell and Whaley.

Mr. Cleburne of Sarpy, moved that the Sergeant-at Arms be dispatched for absentees.

Carried.

Mr. Lockwood of Dakota, moved that all further proceedings under the call be dispensed with.

Ayes and nays demanded.

Ayes—Messrs. Beane, Cavins, Chase, Cowles, Davidson Davis,



**Downs, Fisher, Fowler, Gilmour, Hacker, Lockwood, Mathias, Millard, Mullen, Parker, Reed, Sibley, Sollenberger and Tisdell.**—20.

**Nays**—Messrs. Baker, Barnum, Clark, Cleburne, Coleman, Gates, Grebe, Griffin, Hyde, Lowe and Reddick.—11.

**Lost.**

The question occurring upon the passage of the bill, the ayes and were demanded, with the following result:

**Ayes**—Messrs. Barnum, Cavins, Davidson, Fisher, Griffin, Hacker, Lockwood, Mathias, Mullen, Parker, Reed and Sollenberger.—12.

**Nays**—Messrs. Baker, Beane, Chase, Clark, Cleburne, Coleman, Cowles, Davis, Downs, Fowler, Gates, Gilmour, Grebe, Hyde, Lowe, Millard, Porter, Reddick, Sibley, Tisdell and Whaley.—21.

Two-thirds not having voted for the bill, it was

**Lost.**

Message from the Council:

COUNCIL CHAMBER,  
January 10th, 1861. }

*Mr. Speaker :*

I am instructed to inform your honorable body that the Council have passed:

C. B. No. 100, "A bill to confer on justices of the peace jurisdiction in cases of misdemeanor and to require prosecutors to pay costs in certain cases,"

And respectfully ask your concurrence therein.

H. F. No. 171, "An act to amend an act to incorporate a seminary to be located in Cass county, Nebraska."

H. F. No. 86, "A bill for an act changing the southern and western boundary of Platte county,"

The same having passed the Council without amendment.

E. P. BREWSTER, Chief Clerk.

Call of the House.

**Absent**—Messrs. Cotterell, Hedde and Mead.

Mr. Lockwood of Dakota, moved that the Sergeant-at-Arms be dispatched for absentees.

**Lost.**

On motion of Mr. Reddick,

All further proceedings under the call was dispensed with.

The question recurring on the adoption of the substitute for C. B. No. 90, "Joint resolution relative to public printing,"

The ayes and nays were demanded with the following result:

**Ayes**—Messrs. Clark, Cleburne, Gates, Grebe, Hyde, Lowe, Millard, Porter and Reddick.—9.

**Nays**—Messrs. Baker, Barnum, Beane, Cavins, Chase, Coleman,

Cowles, Griffin, Hacker, Lockwood, Mullen, Parker, Reed, Sibley, Sollenberger, Tisdell and Whaley.—23.

Mr. Reddick of Douglas, moved to amend the resolution by adding the following:

And be it resolved, That the said Matthias and Webster be and are hereby required and pledged never to present a bill for said printing to the Territory of Nebraska, in case the secretary refuses to pay them; and as he has a right to refuse all bills against the United States that have not been contracted by a duly authorized and legalized agent of the United States, duly appointed and held in bonds that have been duly approved.

Mr. Cowles of Otoe, moved the previous question on the amendment.

The question being " Shall the main question be now put."

Carried.

The question occurring on the adoption of the amendment.

Lost.

Message from the Governor:

EXECUTIVE CHAMBER,  
January 8th, 1861. }

*Mr. Speaker :*

And Gentlemen of the House of Representatives:

I am directed by the Governor to inform your honorable body that he has signed and approved:

" A joint resolution and memorial asking of the general government an appropriation to erect a bridge over the Platte river at or near its mouth,"

" An act to create the office of precinct assessor,"

" An act to authorize Jas. S. Allan to erect and keep a mill dam across Buffalo creek in the county of Sarpy,"

" Joint resolution to pay the pages of the House,"

" An act to fix the times of holding the district court in the third judicial district,"

" An act to vacate the town plat of Hudson in Washington county,"

" An act to authorize Hiram W. Parker, E. S. Austin, or their assigns, to erect a mill dam across Big Sandy river in Jones county."

JOHN MCCONNIE, Private Secretary.

Mr. Lockwood of Dakota, moved that the rules be suspended and the bill read a third time.

Upon which the ayes and nays were demanded with the following result:

Ayes—Messrs. Baker, Barnum, Beane, Cavins, Chase, Coleman, Cowles, Davidson, Davis, Downs, Fisher, Fowler, Gilmour, Griffin, Hacker, Lockwood, Mead, Mullen, Parker, Reed, Sibley, Sollenberger, Tisdell and Whaley.—24.

Nays—Messrs. Clark, Cleburne, Gates, Grebe, Hyde, Lowe, Millard, Porter and Reddick.—9.

Rules suspended, bill read a third time.

Mr. Cleburne of Sarpy moved that the resolution be recommitted to the Committee on Accounts and Expenditures, with instructions to report the following amendment:

And be it further resolved, That the Legislative Assembly of Nebraska has full power to direct the disbursement of the public funds of the United States, notwithstanding the statutes at large in the United States, in vol. 5, on page 541, declare that no act, resolution or order of the Legislature of any territory directing the expenditure of the same, shall be deemed sufficient for such disbursement."

Mr. Cowles of Otoe, moved to lay the amendment on the table."  
Carried.

The question being upon the passage of the resolution

The ayes and nays were demanded with the following result:

Ayes—Messrs. Baker, Barnum, Beane, Cavins, Chase, Cowles, Coleman, Davidson, Davis, Fisher, Fowler, Gilmour, Griffin, Hacker, Lockwood, Mead, Mullen, Parker, Reed, Sibley, Sollenberger, Tisdell and Whaley.—23.

Nays—Messrs. Clark, Cleburne, Downs, Gates, Grebe, Hyde, Lowe, Millard, Porter and Reddick.—10.

Resolution passed and title agreed to.

Mr. Parker of Clay, chairman of the Committee on Engrossed and Enrolled Bills, submitted the following report:

*Mr. Speaker :*

Your Committee on Enrolled and Engrossed Bills report that they have this day presented to the Governor for his approval, correctly enrolled, the following bills:

H. F. No. 131, "An act to locate a territorial road from Omaha city in Douglas county, to or near Hazleton in Sarpy county."

H. F. No. 70, "Joint resolution and memorial asking of general government an appropriation to erect a bridge over the Platte river at or near its mouth."

H. F. No. 22, "An act to incorporate the Missouri and Western telegraph company."

H. F. No. 63, "An act to locate and establish a territorial road from Dakota city to Fort Kearney in Nebraska."

H. F. No. 179, "An act to regulate the time of holding the terms of the district court in the counties of Pawnee, Johnson, Clay and Gage."

H. F. No. 135, "An act to incorporate the Nemaha city hydraulic company in Nemaha county."

Also,

H. F. No. 167, "Joint resolution and memorial asking Congress for an appropriation to construct a bridge across the Platte river."

Also,

H. F. No. 160, "An act to vacate the town plat of the town of Hudson in Washington county." H. W. PARKER.

Mr. Griffin of Douglas, on leave introduced

H. F. No. 189, "A bill for an act for the organization and encouragement of teacher's institutes in the Territory of Nebraska."

Read first time.

On motion,

Rules suspended.

Read second time by its title.

Mr. Gilmour moved to amend by striking out the word "four" and inserting "two" in the 3d section.

Carried.

Mr. Cleburne moved to strike out "fifty" before the word "dollars," and insert "one hundred."

Mr. Parker moved that the bill be indefinitely postponed.

Pending which, the following message was received from the Governor:

EXECUTIVE CHAMBER, }  
January 10th, 1861. }

*Mr. Speaker*

And Gentlemen of the House of Representatives:

I am directed by the Governor to inform your honorable body that he has signed and approved the following bills:

"An act to locate and establish a territorial road from Dakota city to Fort Kearney in Nebraska,"

"An act to locate a territorial road from Omaha city in Douglas county, to or near Hazleton in Sarpy county."

"An act to legalize the acts of the county commissioners of Dixon county."

"An act to restrain sheep and swine from running at large in the counties of Johnson and Clay."

"An act to confirm the title of Thomas Morton and James N. Coriell to certain real estate in the city of Omaha, Nebraska Territory."

"An act to amend an act, entitled 'An act to incorporate the town of Pawnee city,' " approved January 13th, 1860.

JOHN MCCONNIE, Private Secretary.

The question being on the motion to indefinitely postpone the bill,  
The ayes and nays were demanded:

Ayes—Messrs. Baker, Cavins, Coleman, Downs, Fisher, Fowler, Gilmour, Lockwood, Mead, Parker, Reed, Sollenberger and Whaley.—13.

Nays—Messrs. Barnum, Beane, Clark, Cleburne, Davidson, Davis, Gates, Grebe, Griffin, Hacker, Lowe, Mathias, Millard, Mullen, Porter, Reddick and Sibley.—17.

Motion lost.

Mr. Downs moved that the House take a recess until 6½ o'clock.

Friday, January 11th, 1861.

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Lost.

Mr. Reddick moved to adjourn.

Carried.

GEO. L. SEYBOLT, Chief Clerk.

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HOUSE OF REPRESENTATIVES,  
Friday, January 11th, 1861. }

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Journal read and approved.

Mr. Cleburne of Sarpy, offered the following:

Resolved, By the House of Representatives of the Territory of Nebraska, That the thanks of this House be tendered to the Speaker, Henry DePuy, for the uniformly courteous and impartial manner in which he has discharged the arduous duties of the chair.

Mr. Reddick of Douglas, moved to lay the resolution on the table.

Lost.

On motion of Mr. Griffin of Douglas,

The rules were suspended and the resolution

Adopted.

Mr. Mathias of Otoe, offered the following:

Resolved, That the thanks of this House are hereby tendered to the Chief Clerk, Assistant Clerk and other officers of the House for the efficient and faithful manner in which they have discharged their duties during the session.

On motion of Mr. Parker of Clay,

The rules were suspended and the resolution

Adopted.

Mr. Fisher of Nemaha, on leave, introduced

H. F. No. 190, "A bill for an act supplementary to the fee bill."

Read the first time.

On motion of Mr. Fisher of Nemaha,

The rules were suspended and the bill by its title read a second time.

H. F. No. 59, "A bill for an act to create the office of Prosecuting Attorney, and to abolish the office of District Attorney."

Taken up.

Ms. Lockwood of Dakota, moved that the House concur in the amendment of the Council to said bill.

Carried,

Mr. Grebe of Douglas, on leave, introduced

H. F. No. 191, "An act to legalize the election of county officers of Buffalo county."

Read first time.

The rules were suspended and the bill by its title read a second and third time.

Passed and title agreed to.

H. F. No. 58, "An act to provide for copying the journals of the Council and House of Representatives, of the seventh session of the Territory of Nebraska."

Taken up, and

On motion,

The amendments proposed by the Council to said bill were concurred in.

C. B. No. 52, "A bill for an act to dissolve the bonds of matrimony between Jennie Higgins and James A. Higgins."

Taken up.

Read the third time.

The question being upon its passage

The ayes and nays were demanded with the following result:

Ayes—Messrs. Baker, Barnum, Beane, Davidson, Davis, Downs, Fowler, Gates, Grebe, Griffin, Hacker, Hedde, Millard, Porter, Reddick and Reed.—16.

Nays—Messrs. Cavins, Clark, Coleman, Cotterell, Cowles, Fisher, Gilmour, Lockwood, Mullen, Sibley, Sollenberger and Whaley.—12.

Passed and title agreed to.

C. B. No. 101, "Joint resolution for the relief of L. G. Jeffries."

Taken up.

Read the first time.

The rules were suspended, and the resolution by its title read a second and third time.

Passed and title agreed to.

H. F. No. 77, "An act to amend an act entitled 'An act to apportion the members of the House of Representatives of the Territory of Nebraska.'"

Taken up.

Call of the House had.

Absent—Messrs. Cavins, Chase, Cleburne, Downs, Grebe, Lockwood and Mathias.

On motion of Mr. Reddick of Douglas,

All further proceedings under the call were dispensed with.

The bill was then read a third time.

The question being upon its passage

The ayes and nays were demanded with the following result:

Ayes—Messrs. Cavins, Clark, Cleburne, Coleman, Davidson, Downs, Fisher, Fowler, Gates, Gilmour, Grebe, Hacker, Hyde, Lowe, Millard, Porter and Reddick.—17.

Nays—Messrs. Baker, Barnum, Beane, Cotterell, Cowles, Davis, Griffin, Hedde, Mullen, Reed, Sibley, Sollenberger and Whaley.—13.

Passed and title agreed to.

Mr. Davidson of Sarpy, chairman of the Committee on Accounts and Expenditures, submitted the following report:

*Mr. Speaker:*

Your Committee on Accounts and Expenditures have had under consideration

C. B. No. 99, "Joint resolution in favor of Robert S. Knox,"

And report the same back without recommendation.

JAS. DAVIDSON, Chairman.

JOHN HACKER,

E. W. BARNUM.

Mr. Lowe of Douglas, from the same committee, submitted the following minority report:

*Mr. Speaker :*

A minority of your committee to whom was referred

C. B. No. 99, "Joint resolution in favor of Robert S. Knox,"

Would respectfully report the same back and recommend that it do not pass.

S. A. LOWE,

H. B. PORTER.

Mr. Hyde of Burt, moved that the minority report be adopted.

Pending which,

The following message was received from the Council:

COUNCIL CHAMBER,

Omaha, Jan. 11th, 1861. }

*Mr. Speaker :*

I am instructed to inform your honorable body that the Council have passed.

C. B. No. 9, "An act to conform the practice of the district court in chancery to common law actions."

And respectfully ask your concurrence therein.

I also return you herewith

H. F. No. 188, "A bill to amend an act entitled 'An act to consolidate Nebraska city, South Nebraska city and Kearney city,' " approved Dec. 31st, 1852,

H. F. No. 186, "A bill for an act to exempt a certain amount of property,"

The same having passed the Council without amendment.

E. P. BREWSTER, Chief Clerk.

The question occurring upon the adoption of the minority report of the Committee on Accounts and Expenditures,

The ayes and nays were demanded with the following result:

Ayes—Messrs. Baker, Barnum, Clark, Cotterell, Davis, Gilmour, Grebe, Hyde, Lowe, Millard, Mullen, Reddick and Reed.—13.

Friday, January 11th, 1861.

Nays—Messrs. Beane, Cavins, Cleburne, Coleman, Cowles, Davidson, Downs, Fisher, Fowler, Gates, Griffin, Hacker, Hedde, Sollenberger, and Whaley.—15.

Minority report rejected.

Mr. Davis, of Cass, moved to amend the resolution by striking out "forty" before the word "dollars" and inserting "twenty-five."

Lost.

Mr. Clark of Douglas, moved that the resolution be indefinitely postponed.

Lost.

Mr. Lockwood of Dakota, moved to strike out "forty" before the word "dollars," and insert "thirty."

Lost

Mr. Millard of Douglas, moved to strike out the name of "Robert S. Knox," and insert "S. H. Elbert."

Not entertained.

The question recurring upon the adoption of the resolution, it was Carried.

Mr. Clark of Douglas, offered the following:

Resolved, That the Speaker of the House be authorized to certify the following compensation to the Enrolling Clerks and their assistants:

J. E. Burbank,.....	40 days
"          for copying laws etc.,.....	10 "
Daniel McLoughlin,.....	13 "
E. J. Davenport,.....	5 "
Frank Murphy,.....	3 "
S. N. Willey,.....	$\frac{1}{2}$ "

Which is in full for all compensation for enrolling and copying laws.

On motion of Mr. Parker of Clay,

The rules were suspended and the resolution

Adopted.

C. B. No. 76, "A bill for an act for the relief of King & Wood."

Taken up.

Call of the House had.

Absent—Messrs. Chase, Downs, Lockwood and Mead.

Mr. Reddick of Douglas, moved that all further proceedings under the call be dispensed with.

Lost.

On motion,

The Sergeant-at-Arms was dispatched for the absentees.

Message from the Governor:



EXECUTIVE CHAMBER,  
January 11th, 1861. }

*Mr. Speaker:*

And Gentlemen of the House of Representatives:

I am instructed by the Governor to inform your honorable body that he has signed and approved the following bills:

"A joint resolution and memorial asking an appropriation for a bridge across the Platte river."

"An act to incorporate the Nemaha city hydraulic company in Nemaha county."

"An act to regulate the time of holding the terms of the district court in the counties of Pawnee, Johnson, Clay and Gage, being within the present prescribed limits of the second judicial district of the Territory of Nebraska."

"An act to regulate the disposal of the road fund, and to further define the duties of supervisors."

"An act to allow the funding of the indebtedness of the Territory."

JOHN MCCONNIE, Private Secretary.

Messrs. Downs, Lockwood and Mead, having appeared within the bar of the House

Mr. Millard of Douglas, moved that all further proceedings under the call be dispensed with.

Mr. Lowe of Douglas, moved that Mr. Chase be excused for absence. Declared out of order.

The question occurring on dispensing with all further proceedings under the call, it was

Lost.

Mr. Reddick of Douglas, moved that all further proceedings under the call be dispensed with.

Carried.

Mr. Mathias of Otoe, moved that the House go into Committee of the Whole on said bill.

Declared out of order.

Mr. Cowles of Otoe, rose to a point of order,

"That a motion to go into Committee of the Whole is in order, it being a privileged question, takes precedence."

The Chair decided the point "well taken."

The question occurring on the motion to go into Committee of the Whole,

The ayes and nays were demanded with the following result:

Ayes—Messrs Baker, Barnum, Beane, Cavins, Coleman, Cowles, Davidson, Fowler, Hacker, Lockwood, Mathias, Mullen, Parker, Sibley, Sollenberger, and Whaley.—16.

Nays—Messrs. Clark, Cleburne, Cotterell, Davis, Downs, Fisher, Gates, Gilmour, Grebe, Griffin, Hedde, Hyde, Lowe, Mead, Millard, Reddick and Reed.—18.

Lost.

Mr. Mathias of Otoe, moved that the bill be recommitted to a special committee of three with instructions to strike out "1200" and insert "1000."

Lost.

Mr. Reddick of Douglas, moved the previous question.

Not seconded.

Mr. Lockwood of Dakota, moved to amend sec. 3, by striking out the words "the amounts herein provided for."

Declared out of order.

Mr. Lockwood of Dakota, moved to recommit the bill to a special committee, with instructions to strike out in sec. 3, the words "to the amount herein provided for."

Mr. Cowles of Otoe, moved that the House take a recess until 2½ o'clock, P. M.

Ruled out of order.

Mr. Downs of Otoe, asked to be excused from voting on the question.

Not excused.

Mr. Gilmour of Cass, asked to be excused from voting on the question.

Not excused.

The question occurring upon the motion to recommit, the ayes and nays were demanded, with the following result:

Ayes—Messrs. Baker, Barnum, Beane, Cavins, Chase, Coleman, Cowles, Davidson, Fisher, Fowler, Hacker, Lockwood, Mathias, Mullen, Parker, Reddick, Sibley, Sollenberger and Whaley.—19.

Nays—Messrs. Clark, Cleburne, Cotterell, Davis, Downs, Gates, Gilmour, Grebe, Griffin, Hedde, Hyde, Lowe, Millard, Porter and Reed.—15.

So the bill was recommitted.

Mr. Parker of Clay, Chairman of the Committee on Engrossed and Enrolled Bills, submitted the following report:

*Mr. Speaker:*

Your Committee on Engrossed and Enrolled Bills report, that they have this day presented to the Governor for his approval:

H. F. No. 188, "An act to amend an act entitled 'An act to consolidate Nebraska city, Kearney city and South Nebraska city,' approved Dec. 31st, 1857;"

Also,

H. F. No. 152, "An act to provide for the publication of the general laws enacted by the Seventh Legislative Assembly, in one newspaper published at the Capital;"

Also,

H. F. No. 138, "An act to incorporate the Second Presbyterian Church of Omaha city, Nebraska Territory;"

Also,

H. F. No. 21, "An act to authorize Felix Kitch, A. P. Forney and

Joshua Murray to keep a ferry across the Missouri river at Rulo, Richardson county, N. T.;"

Also,

H. F. No. 94, "An act to locate a territorial road from St. Johns, Dakota county, to Ionia, Dixon county, Nebraska Territory;"

Also,

H. F. No. 166, "An act to legalize the tax levy of A. D. 1860, in Douglas county, Nebraska;"

Also

H. F. No. 36, "An act to change the southern and western boundaries of Platte county;"

Also,

H. F. No. 182, "An act to provide for special terms of the supreme court;"

Also,

H. F. No. 162, "Joint memorial and resolution relative to a land grant for the growing of timber;"

Also,

H. F. No. 155, "An act to confirm the title of Henry Brown to certain real estate in the city of Omaha, in the Territory of Nebraska;"

Also,

H. F. No. 186, "An act to exempt property from forced sale in certain cases;"

Also,

H. F. No. 149, "An act to authorize E. Hicks, Clark and A. P. Andrews to keep a ferry across the Missouri river at Fort Calhoun.;"

Also,

H. F. No. 158, An act to incorporate the Chicago and Pike's Peak express company."

Also,

H. F. No. 79, "An act supplementary to an act entitled "An act to incorporate the city of Rulo," approved Nov. 1st, 1858.

Also,

H. F. No. 6, "An act to abolish the office of Commissioner of Common Schools."

Also,

H. F. No. 173, An act to authorize John C. Wood to maintain a mill dam across the north fork of the Great Nemaha river, in Pawnee county."

Also,

H. F. No. 58, "An act to provide for the copying of the journals of the Council and House of Representatives of the seventh session of the Territorial Assembly of Nebraska."

Also,

H. F. No. 59, "An act to create the office of prosecuting attorney and to abolish the office of district attorney."

H. W. PARKER, Chairman.

The following message was received from the Council:

Friday, January 11th, 1861.

COUNCIL CHAMBER,  
January 10th, 1861. }

*Mr. Speaker:*

I am instructed to inform your honorable body, that the Council have passed:

C. B. No. 102, "An act respecting masters in chancery,"

And ask your concurrence therein.

I also return you herewith

H. F. No. 152, "A bill for an act to provide for the publication of the general laws in one newspaper, printed at the capital."

Also,

H. F. No. 169, "A bill for refunding to the several counties a portion of the territorial taxes for the year 1860."

H. F. No. 165, "A bill for an act to incorporate the Prospect Hill cemetery company of the city of Pawnee."

H. F. No. 181, "A bill to regulate the toll of millers."

The same having passed the Council without amendment.

I am also directed to inform your honorable body that the Council concur in the first and second amendments of the House to

C. F. No. 93, "A bill for an act to amend 'An act to incorporate the city of Plattsmouth,'" approved March 4, 1855,

And refuse to concur in the third and fourth amendments to said bill.

I am also directed to inform you that the Council has passed

H. F. No. 186, "A bill for an act to abolish the office of Territorial Librarian,"

With certain amendments attached thereto, and ask your concurrence in said amendments.

I am also directed to inform you that Messrs. Goss and Tipton have been appointed a committee of conference on the part of the Council in relation to a disagreement between the two Houses in certain amendments made to

H. F. No. 19, "An act to regulate the manner of assessing real estate."

E. P. BREWSTER, Chief Clerk.

On motion of Mr. Cowles of Otoe,

The House took a recess until 2 o'clock P. M.

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*Afternoon Session, Friday—2 o'clock P. M.*

The House met.

Mr. Lockwood of Dakota moved that "two thousand" be inserted in the blank for printing the report of Committee on Mines and Minerals.

Carried.

C. B. No. 102, "An act respecting masters in chancery and their fees."

Taken up.

Read the first time.

The rules were suspended and the bill by its title read a second and third time.

Passed and title agreed to.

C. B. No. 93, "A bill for an act to amend 'An act to incorporate the city of Plattsmouth,'" approved March 14th, 1855.

Mr. Mullen of Cass, moved that the House recede from its amendments to said bill.

Carried.

C. B. No. 86, "An act to establish a ferry at St. Johns in Dakota county."

Taken up.

Read a third time.

Passed and title agreed to.

C. B. No. 100, "A bill to confer on justices of the peace jurisdiction in cases of misdemeanor and require prosecutors to pay costs in certain cases."

Taken up.

Read the first time.

On motion of Mr. Reddick of Douglas,

The rules were suspended and the bill by its title read a second and third time.

Passed and title agreed to.

H. F. No. 190, "A bill for an act supplementary to the fee bill."

Taken up.

Mr. Whaley of Platte, moved to strike out "2" and insert "10."

Carried.

Read a third time.

Passed and title agreed to.

H. F. No. 18, "A bill for an act to abolish the office of Territorial School Commissioner,"

Together with the amendments proposed thereto by the Council.

Taken up.

On motion,

The amendments proposed by the Council were concurred in.

C. B. No. 9, "An act to conform the practice of the district court in chancery to common law actions,"

Taken up.

Read the first time.

On motion of Mr. Millard of Douglas,

The rules were suspended and the bill by its title read a second time and referred to the Committee on Judiciary.

Mr. Lockwood of Dakota, from special committee, submitted the following report:

*Mr. Speaker :*

Your special committee, to whom was referred

C. B. No. 76, entitled "A bill for an act for the relief of King & Wood,"

With instructions to amend the same by striking out in section 3, after the words "Territory of Nebraska," in the fifth line, the words, "to the amount herein provided for," have had the same under consideration and beg leave to report the same back to the House, having discharged such duty.

W. F. Lockwood, Chairman.

Mr. Reddick of Douglas, moved to reconsider the vote by which C. B. No. 76, "A bill for the relief of King & Wood," Was committed.

Upon which the ayes and nays were demanded, with the following result:

Ayes—Messrs. Clark, Cleburne, Cotterell, Davis, Downs, Gates, Gil-mour, Grebe, Griffin, Hedde, Hyde, Lowe, Millard, Porter, Reddick and Reed.—16.

Nays—Messrs. Baker, Barnum, Beane, Cavins, Coleman, Cowles, Davidson, Fisher, Fowler, Hacker, Lockwood, Mathias, Mullen, Parker, Sibley, Sollenberger and Mr. Speaker.—17.

Lost.

Bill read a third time.

Call of the House had.

Absent—Messrs. Chase, Downs and Mead.

Mr. Downs of Otoe, asked leave of absence one hour.

Leave not granted.

On motion of Mr. Sollenberger of Otoe,  
Call of the House had.

Absent—Messrs. Barnum, Chase and Mead.

Pending which,

Message from the Governor:

EXECUTIVE CHAMBER,

Omaha, January 11th, 1861. }

*Mr. Speaker :*

And Gentlemen of the House of Representatives:

The Governor directs me to inform your honorable body that he has signed and approved the following bills:

"An act to confirm the title of Henry Brown to certain real estate in the city of Omaha, in the Territory of Nebraska."

"An act to authorize John C. Wood to maintain a mill dam across the north fork of the Great Nemaha river in Pawnee county."

"An act to create the office of prosecuting attorney and to abolish the office of district attorney."

"An act to restrain cattle, sheep and swine from running at large in Richland and Fontenelle precinct in Washington county, Nebraska Ter-ritory."

"Joint memorial and resolution relative to a land grant for the grow-ing of timber."

"An act to legalize the tax levy of A. D. 1860, in Douglas county, Nebraska."

"An act to define the powers and duties of county commissioners and county clerk."

"An act to provide for the valuation and assessment of the real and personal property, and for the levying and collection of taxes in the Territory of Nebraska."

"An act to abolish the office of Commissioner of Common Schools."

"An act to amend an act entitled 'An act to consolidate Nebraska city, Kearney city and South Nebraska city,' approved Dec. 31st, 1857."

"An act to provide for copying the journals of the Council and the House of Representatives of seventh session of the Territorial Assembly of Nebraska."

JOHN MCCONNIE, Private Secretary.

Mr. Cowles of Otoe, moved that the Sergeant-at-Arms be dispatched for absentees.

Carried.

Mr. Mead having appeared within the bar of the House.

Mr. Lockwood of Dakota, moved that the Sergeant-at-Arms be sent to arrest Mr. Barnum.

Carried.

Pending which.

The following message was received from the Council:

COUNCIL CHAMBER,  
January 11th, 1861. }

*Mr. Speaker:*

I am directed to return to your honorable body

H. F. No. 143, "An act for the relief of Wm. Sexaur."

The same having passed the Council without amendment.

E. P. BREWSTER, Chief Clerk.

Mr. Reddick of Douglas, moved that Mr. Barnum be discharged from contempt.

Upon which the ayes and nays were demanded, with the following result:

Ayes—Messrs. Clark, Cleburne, Cotterell, Davis, Gates, Grebe, Griffin, Hacker, Hedde, Hyde, Lowe, Millard, Parker, Porter, Reddick and Reed.—16.

Nays—Messrs. Baker, Beane, Cavins, Coleman, Cowles, Davidson, Fisher, Fowler, Gilmour, Lockwood, Mathias, Mullen, Sibley, Sollenberger, Whaley and Mr. Speaker.—16.

There being a tie vote, the motion was

Lost.

Mr. Barnum declared in contempt.

Mr. Clark of Douglas, moved that all further proceedings under the call be dispensed with.

Not entertained.

Mr. Barnum having appeared within the bar of the House,  
Mr. Sollenberger of Otoe, moved that he be discharged from contempt.  
Carried.

Mr. Lockwood of Dakota, moved to recommit the bill to a special committee, with instructions to strike out the words, "the amount herein provided for" in section 3, line 5:

Upon which the ayes and nays were demanded, with the following result:

Ayes—Messrs. Baker, Barnum, Beane, Cavins, Coleman, Cowles, Davidson, Fisher, Fowler, Hacker, Lockwood, Mathias, Mullen, Parker, Reddick, Sibley and Whaley.—18.

Nays—Messrs. Clark, Cleburne, Cotterell, Davis, Gates, Gilmour, Grebe, Griffin, Hedde, Hyde, Lowe, Millard, Porter and Reed.—13.

Carried,

And Mr. Mathias of Otoe, appointed a special committee on said bill.

Mr. Reddick of Douglas, moved that the committee be instructed to report instantler.

Not entertained.

Mr. Parker of Clay, Chairman of the Committee on Engrossed and Enrolled Bills, submitted the following report:

*Mr. Speaker :*

Your Committee on Engrossed and Enrolled Bills report that they have this day presented to the Governor for his approval, correctly enrolled:

H. F. No. 181, "An act to regulate the toll of millers;"

H. F. No. 165, "An act to incorporate the Prospect Hill cemetery company of the city of Pawnee;"

H. F. No. 134, "An act to amend an act entitled 'An act for locating, repairing and changing county roads,'" approved January 26th, 1856;

H. F. No. 183, "An act to provide for an estray law;"

H. F. No. 42, "To amend an act entitled 'An act to exempt the homestead and certain articles of personal property from forced sale on execution;'"

H. F. No. 148, "An act authorizing James Spratlan and Abraham Roberts to keep a ferry across the Missouri river, at Rock Bluffs city, in Cass county;"

H. F. No. 169, "An act for refunding to the several counties a portion of the taxes for the year 1860;"

H. F. No. 18, "An act to abolish the office of Territorial Librarian."

H. W. PARKER, Chairman.



COUNCIL CHAMBER,  
January 11th, 1861. }

*Mr. Speaker:*

I am instructed to inform your honorable body that the Council have passed

H. F. No. 190, "A bill for an act supplementary to the fee bill,"  
With an amendment attached thereto.

E. P. BREWSTER, Chief Clerk.

H. F. No. 190, "A bill for an act supplementary to the fee bill,"  
Together with the amendments proposed by the Council thereto."

Taken up.

On motion,

Amendment concurred in.

Mr. Mathias of Otoe, from special committee, submitted the following:

*Mr. Speaker:*

Your special committee to whom was referred

C. B. No. 76, "A bill for an act for the relief of King & Wood,"

With instructions to strike out in the 5th line of sec. 3, the words "to the amount herein provided for," have had the same under consideration and report the same back to the House as amended.

ALFRED MATHIAS.

Mr. Davis of Cass, moved to recommit to committee with instructions to strike out the words "government of the United States," and insert the words "said Territory."

Upon which the ayes and nays were demanded with the following result:

Ayes—Messrs. Barnum, Cavins, Clark, Cleburne, Coleman, Cotterell, Cowles, Davis, Gates, Gilmour, Grebe, Griffin, Hedde, Hyde, Lowe, Millard, Parker, Porter, Reddick, Reed and Whaley.—21.

Nays—Messrs. Baker, Beane, Davidson, Fisher, Fowler, Hacker, Lockwood, Mathias, Mullen, Sibley and Sollenberger.—11.

Carried.

Mr. Davis of Cass, appointed a special committee.

Mr. Parker of Clay, chairman of the Committee on Engrossed and Enrolled Bills, submitted the following report:

*Mr. Speaker:*

Your Committee on Enrolled and Engrossed Bills report that they have presented to the Governor for his approval, correctly enrolled:

H. F. No. 143, "An act for the relief of Wm. Sexaur."

H. W. PARKER, Chairman.

Friday, January 11th, 1861.

Mr. Cavins of Otoe from special committee submitted the following report:

*Mr. Speaker :*

Your committee to whom was referred

C. B. No. 2, being "An act entitled an act to repeal an act entitled 'An act to authorize the city council of Nebraska city to reduce the width of Kansas street, and to vacate certain alleys,'"

Having had the same under advisement, report the same to the House with a recommendation that the law do not pass.

A. G. CAVINS, Chairman.

W. F. LOCKWOOD.

The following message was received from the Council:

COUNCIL CHAMBER, }  
Jan. 11th, 1861. }

*Mr. Speaker:*

I am directed to return to your honorable body

H. F. No. 176, "A bill to amend an act, entitled 'An act providing for the better regulation of schools in Nebraska,' approved Nov. 4th, 1861,

And also,

"An act, entitled an act to amend 'An act for the better regulation of schools in Nebraska,' approved Nov. 4th, 1858,

The same having passed the Council without amendment.

E. P. BREWSTER, Chief Clerk.

Mr. Davis of Cass, from special committee. to whom was referred

H. F. No. 76, "A bill for an act for the relief of King & Wood, with instructions to strike out the words 'government of the United States' and insert the words 'said Territory,'"

Have had the same under consideration and report the same back to the House so amended.

W. R. DAVIS, Chairman.

On motion,

Report was adopted.

Mr. Matthias of Otoe, moved to lay the whole subject on the table.

Lost.

The question occurring on the passage of the bill as amended,

The ayes and nays were demanded with the following result:

Ayes—Messrs. Barnum, Clark, Cleburne, Cotterell, Davis, Gates, Gilmour, Grebe, Griffin, Hedde, Hyde, Lowe, Millard, Porter, Reddick, Reed and Mr. Speaker.—17.

Nays—Messrs. Baker, Beane, Cavins, Coleman, Cowles, Davidson, Downs, Fisher, Hacker, Lockwood, Mathias, Mullen, Parker, Sibley, Sollenberger and Whaley.—16.

Passed and title agreed to.

Message from the Executive:

EXECUTIVE CHAMBER,  
January 11th, 1861. }

*Mr. Speaker :*

And Gentlemen of the House of Representatives:

I am instructed by the Governor to inform your honorable body that he has approved and signed the following bills:

"An act to amend the Code of Civil Procedure."

"An act to incorporate the Plattsmouth, Oreapolis and Denver city express freighting company."

"An act to incorporate the Chicago, Plattsmouth and Pike's Peak express company."

"An act to regulate the tolls of millers."

"An act to incorporate the Prospect Hill cemetery company of the city of Pawnee."

"An act to authorize the county commissioners of Otoe county to pay off the indebtedness of the Otoe county agricultural society."

"An act to incorporate the Second Presbyterian Church of Omaha city, Nebraska Territory."

"An act to amend an act entitled 'An act to exempt the homestead and certain articles of personal property from forced sale on execution.'"

"An act to exempt property from forced sale in certain cases."

JOHN MCCONIHIE,  
Private Secretary.

Mr. Lockwood of Dakota, on leave, introduced,  
H. F. No. 193, "An act concerning enclosures and trespassing animals in Pawnee county."

Read first time.

On motion of Mr. Griffin of Douglas.

The rules were suspended and the bill by its title read a second and third time.

Passed and title agreed to.

Mr. Fisher of Nemaha offered the following:

Resolved, That the thanks of this House are due the doorkeeper for the faithful manner in which he has performed his duties.

Mr. Lockwood of Dakota moved to amend by adding "and Sergeant-at-Arms."

Carried.

On motion,

The rules were suspended and the

Resolution adopted.

Mr. Grebe of Douglas, offered the following:

Resolved, That the thanks of this House are due to the Hon. H. W. Parker for his faithful services as chairman of the Committee on Enrolled and Engrossed Bills.

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